JOURNAL

OF THE

SENATE

AT THE CALLED SESSION

OF THE GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA.

BEGUN AND HELD IN THE TOWN OF CAHAWBA, ON THE FIRST MONDAY IN JUNE.

IN THE YEAR OF OUR LORD.

ONE THOUSAND EIGHT HUNDRED AND TWENTY-ONE.

AND FORTY-FIVE YEAR OF.

AMERICAN INDEPENDENCE

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CAHAWBA:
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JOURNAL OF THE SENATE.

AT a called session of the General Assembly of the State of alabama, begun and held at the town of Cahawba on the fourth day of June in the year of our Lord one thousand eight hundred and twenty one, in pursuance of the proclamation of his excellency the acting Governor Thomas Bibb, it being the third session of the General Assembly of said state; the following members of the Senate appeared and took their seats, to wit: Gabriel Moore, President, Thomas Casey, David Conner, Joseph B. Chambers, Nicholas Davis, J. W. Garth, John Gause, William D. Gaines, Gabriel Hanby, Thomas Hogg, Thomas Ringgold, Howel Rose, John D. Terrell, William Trotter and Bennet Ware, Senators.

Monday June 4, 1821.

On motion of Messrs. Casey and Rose the Senate received the certificates of election of William Lucas from Franklin county, and Charles A. Dennis from Bibb county, Senators in room of William Metcalf and Littlepage Sims, resigned: and the oath prescribed by law being administered to the, respectively, by the President, they accordingly took their seats in the Senate.

On motion of Mr. Garth the following resolution was adopted: Resolved, that a message be sent to the House of Representatives, informing them that the senate have convened agreeably to the acting Governor's proclamation, and are ready to proceed to business. ORdered that the secretary inform the House of Representatives thereof accordingly.

A message from the House of Representatives by Messers. Chambers and Chapman: Mr. President we are instructed to inform the senate, that the house of representatives have convened and are now ready to proceed to business.

On motion of Mr. Terrell the following joint resolution was adopted: Resolved, that a committee of three members be appointed on the part of the senate, to associate with such committee as may be appointed by the representative house, whose duty it shall be to wait or his excellency the acting Governor, and inform him, that the General Assembly in s now organized and ready to receive his communications: whereupon, Messrs. Terrell, Gaines and Garth were appointed on the part of the senate. Ordered that the secretary acquaint the house of representatives thereof.

A message from the house of representatives by Mr. Chapman: Mr. President, I have to inform the senate that the house of representatives concur to the resolution for appointing three members of each branch a joint committee, to wait upon his excellency the act

ing Governor and inform him, that the General Assembly is now organized and ready to receive his communications: and that they have nominated on their part Messers. Chapman, Cook, and Sargent.

Mr. Terrell from the same committee, thereafter reported, that the joint committee had waited on his excellency the acting Governor, and received for answer, that he would at the hour of three send his communication to the General Assembly.

Whereupon, on motion, the senate adjourned until that time.

Three o'clock P.M.

The Senate met pursuant to adjournment,

On motion of Mr. Garth the senate received the certificate of election of John Elliot from Mobile county, elected in room of James L. Seabury, residing and the oath prescribed by law being administered to him by the President, he accordingly took his seat in the senate.

A message from the Governor, by Thomas A. Rogers, Esqr. secretary of state, to wit:

Gentlemen of the Senate and of the House of Representatives,

The unhappy difference of opinion which existed between your bodies at your last session, in relation to the apportionment of repretation for the next General Assembly, and which resulted in your adjournment without passing any law on that subject, involves it its consequences, which in my estimation threaten the very existence of the legislative branch of the government; under the influence of this belief, in addition to other weighty considerations, I have felt myself under the necessity of calling you together at this period: and in avowing this as the principal object of your being assembled, I trust you will not deem it improper, that I should offer for your consideration some of the reasons which have induced this belief.

The security of the rights, interest and liberties of the people, under the administration of the government, is the highest and indeed the sole object for which our constitution exists: and for other purpose in the organization of the legislative department, which comes more immediately from the people, and which should be, emphatically, the representative of their will. Certain principles are laid down, by which those rights, interests and liberties are to be secured, and through which the people are at all times to enjoy an equality in representation.

To carry these principles into effect the ninth and tenth sections of the third article of the Constitution have amply provided. The ninth section declares among other things, "that the General Assembly shall at their first meeting and in the years one thousand eight hundred and twenty, one thousand eight hundred and twenty-three, one thousand eight hundred and twenty-six, and every six years thereafter, cause an enumeration to be made of all the inhabitants of the state, and the whole number of the representatives shall at the first session held after making ever such enumeration, be fixed by the

General Assembly, and apportioned among the several counties, cities or towns, entitled to separate representation according to their repective numbers of white inhabitants; and the said aportionment when made shall not be subject to alteration until after the next census shall be taken." The duty of causing these periodical enumerations to be made is as imperative as the object for which they are to be taken is plain and important: both the letter and spirit of the Constitution point to this conclusion, that the duty is obligatory and not to be dispensed with. No discretion is left to the legislature, except as to the detail, and on the regular and faithful discharge of this duty depends the constitution existence of the legislative department.

The enumeration "shall be taken" at certain periods, and the apportionment "shall be made" upon the return of the enumeration, when made "shall not be subject to alteration until after the next census shall be taken."

The apportionment follows as a necessary consequence of the taking of the enumeration, and therefore continues only until a new one is taken. No express provision can be found in the Constitution, for continuing one apportionment, until another one shall be made, and to imply a provision of that kind would in effect destroy the very existence of the whole section, and would, if carried to its full extent have the effect of perpetuating the present apportionment; a construction which it is believed cannot for a moment be tolerated consistent with any sound principle of reasoning.

If either of these duties can be dispensed with by any one legislature whose duty it is to perform the, they can be dispensed with altogether, and when once the principle is admitted that the last apportionment remains operative and in force until superceded by another; it admits the existence of a principle in the Constitution inconsistent with itself, and which in fact gives to it a construction by which it is made to sanction its own violation. And could we suppose the freemen of this state would so long permit it to operate, we may ten-years hence have the novel spectacle of beholding a legislature purporting to be assembled in conformity with the Constitution and exercise the powers delegated by it, when not a feature in the organization of the body will be in conformity with that Constitution.

This may be supposing an extreme case and one which may never happen, it is nevertheless supposing nothing more than is contained in the principle; the Constitution is violated when the duty is not performed by the legislature whose duty it is to perform it, and the case supposed differs not in the principle but only in the degree. So extremely cautious and explicit is this section, that not only must the enumeration and apportionment be made at certain fixed periods, but it also provides that the apportionment when made "shall not be subject to alteration until after the next census shall be taken."

It will be unnecessary for me to offer you many reasons to show the peculiar propriety and necessity there is for thus circumscribing and

limiting the legislature in the exercise of the particular duty of providing for the constitutional existence of its own body. The many inducements to evade the spirit of the provision arising from sentional feelings, which it is to be regretted exists in a greater of less degree in all legislative bodies; the great and important powers necessarily delegated to that body, the exemption from control or responsibility except to the people, and more than all the fact that in these sections are contained the principles to which the freemen of this state look for the perfect exercise of the dearest of their rights, the right of suffrage, shew the importance of the provisions, and induce of themselves the conclusion that the only mode by which the legislative department can be constitutionally perpetuated, is in adhering strictly to the injunctions contained in those sections, and that consequently, should there be a failure at any of the appointed times to comply with the provisions, the failure will be fatal to the existence of the legislative department, and that all acts done by any body constituted or continued in any other manner than in conformity with those provisions will be unconstitutional and void.

That the principles growing out of the ninth section of the third article if correct as understood by me are applicable to the tenth section of the same article and render it equally necessary to apportion the senatorial branch whenever the other branch is apportioned, will not be denied, unless an exception is to be found at this particular period of our government, arising from a provision at the conclusion of the eight article of the schedule to the Constitution; in the construction of which has arisen the unhappy difference of opinion which occasioned your separation at the last session without acting finally on this subject.

I am peculiarly sensible of the delicacy of, at this time offering you my sentiments on this point; conscious as I am, that it has been once before you in your legislative capacity, but the necessity which I have felt myself under of again calling your attention to it, together with that degree of respect and candour which should always be observed between the co-ordinate branches of the government, induces me now to lay my views before you, which I should not have done at an ordinary session unless compelled by the provisions of a law which would render it indispensable.

The eighth section of the schedule to the Constitution, provides “that until the first enumeration shall be made as direct by this Constitution” the several counties shall be entitled to a particular representation therein mentioned, and that “each county shall be entitled to one Senator who shall serve for one term.” By the twelfth section of the third article it is declared that “Senators shall be chosen for the term of three years,” and to ascertain the period of time which the Senators chosen under the provisions of this section of the schedule is the object of the present enquiry.

That there is much ambiguity arising from, if not direct contradiction between the ninth and tenth sections of the third article, and the

eighth section of the schedule, none will deny. But in the construction of the Instrument, we are to take into view all the provisions which relate to the same subject, and whenever ambiguity or contradiction manifests itself, we should give it that construction which shall least conflict with the spirit of the instrument, and which shall tend least to limit, control, or destroy, its most important provisions, with this, as the basis, on which our examination is founded, let us inquire what will be the result.

That object and design of the eighth section of the schedule was to provide for the immediate organization of the Legislative department, it was an act necessary to be done by the convention to five effect to the constitution they were framing; and that necessity existed no longer than was required to enable the Legislature organized by the section to carry the main provisions of the constitution, in relation to that department, into effect. By keeping in view the object and design of the section, together with the necessity which enacted it, we may derive some assistance in giving construction to that part of it which indictates the time which the senators shall serve. It will not, I presume, be denied, but that when an enumeration should be taken, the necessity, or continuing the provision would cease, and that independent of the provision of the twelfth section of the third article, the time mentioned would not be construed to mean a longer period than the time which would elapse between the election of the Senators and the return of the first census; and that this must be the construction which it bears, I am induced to believe, frm the most deliberate examination which I have been able to give the subject.

By defining the term for which a Senator shall serve, as provided in the schedule, to be three years, we necessarily defer for one year; carrying the main principle of the constitution in relation to the organization of the Senate, as provided by the tenth section of the third article, into effect, thereby continuing for one year longer than was necessary, the arbitrary provision of the schedule in relation to the Senate. We are also compelled to defer apportioning the House of Representatives for the same period; or if we do it, we are compelled to violate the rule laid down for the relative proportions of the different branches; or, to avoid that difficulty, we must give to the House of Representatives a greater number than is permitted by the constitution for that body to consist of, when the whole number of white inhabitants is taken into view. The ninth section of the third article, declares, that “the whole number of Representatives shall not exceed sixty, until the number of white inhabitants shall exceed one hundred thousand. And the tenth section of the same article declares that the whole number of Senators shall never be less than one fourth, nor more than one third, of the whole number of Representatives.” Our white population it is know does not exceed 100,000 and the present Senate it is know exceeds one third the number of which the Repretatives shall be, so that it follows as an inevitable consequence of this construction, that we must abandon the objects contemplated in taking the first enumeration, or violate some important and positive provision in relation to the organization of the two branches.

If we enter into the main provisions of the constitution, it is believed we must do so by virtue of the first enumeration, and in conformity with the principles of the ninth and tenth sections of the third article, and if we do non do so by virtue of that enumeration, and in conformity with those principles. I cannot conceive how a constitutional Legislature can be perpetuated.

By defining the time mentioned in the eighth section of the schedule to be that period of time which shall elapse between their election, and the return of the first enumeration we can avoid all the difficulties which it has been shewn are consequent upon a different construction. We are enabled at once to carry into effect the ninth and tenth sections of the third article without delay, according to their letter and spirit, and we only place a limit upon the length of time which a particluar number of individuals shall hold their seats, which is I am induced to believe, a matter of far less importance than to defer entering upon the main provisions of the ninth and tenth sections of the third article, or the consequences which will follow upon only complying partially with those provisions.

But it is believed that further arguments are to be found in aid of this construction from the instrument itself. The first clause of the eighth section of the schedule seems to limit the duration of the time to the period of the first enumeration; and it is thought operates to control the whole of the section. The 13th section of the third article is still more in point. That section provides for dividing the senators chosen in 1826, into three classes, and limits the term of the first and second classes, to one and two years. Yet all the Senators chosen in that year, are chosen for the term of three years. Indeed I can give no other construction to the time for which senators are elected than that in no instance can it exceed three years; but that the time may be limited to a shorter period either by express provision or by such provisions as in their effect require a limit in order to carry more important provisions of the constitution into effect.

It may be proper for me here to advert to those provisions of the ninth and tenth sections of the third article which requires the apportionment to be made at the first session held after making every enumeration. In the construction of these provisions, I am governed by the same principles of construction which have governed me in the construction of the other to look at the spirit of the instrument, and with this view I can see no difficulty in your acting at this time, although the time when the act is to be done is directory, yet the power being vested in the body is not divested during the legal existence of the body, and may be exercised at any time previously to its dissolution.

I feel every confidence that you will again enter upon this subject with a view alone to give to the constitution a correct construction and I confidently trust that with that as your object, together with the advantage of the time and reflection you have had, you will not fail to arrive at a conclusion which will leave nothing for doubt, or dissatisfaction.

I cannot close this communication without calling your attention to the manifest imperfections in the existing laws for the collection of the Revenue, which would have been alone sufficient to have induced a called session. That a public credit should at all times be sustained, is of the highest importance to the faithful administration of the Government; but such are the imperfections of the present system, that although the taxes are nominally high, yet the amount of the actual receipts into the Treasury will fall far short of the charges upon it. The defect proceeds principally from the mode of assessment, and I would recommend a total change of the system, and would suggest the propriety of so framing the laws as to require the property of each individual to be given into one assessor only, to require the lands to be designated by townships, ranges, quarter sections, &c. and to reinstate the old mode of classification. THOMAS BIBB.

Cahawba, June 4th, 1821.

Which message was read, and

On motion of Mr. Garth ordered to lie on the table.

On motion of Mr. Casey, ordered that fifty copies of the Governor's message be printed.

On motion of Mr. Rose the following resolution was adopted: Resolved, that so much of the acting Governor's message as relates to the apportionment of the members of the House of Representatives and laying the state off into senatorial districts, be referred to a select committee:

Whereupon, Messrs. Rose, Gause and Elliott were appointed.

On motion the Senate adjourned until ten o'clock to morrow morning.

TUESDAY, June 5, 1821.

The Senate met pursuant to adjournment.

Mr. Rose from the select committee to whom was referred so much of the Governor's message as relates to the apportionment of the members of the House of Representatives and laying of the state into senatorial district, reported a bill, which was read the first time.

On motion of Mr. Gause, the rule which requires all bills to be read on three several days was dispensed with, and sad bill was read the second time forthwith.

Mr. Chambers moved that said bill be committee to a committee of the whole and made the order of the day this afternoon.

And question being taken thereon and was decided in the negative.

On motion of Mr. Elliot said bill was committed to a committee of the whole and made the order of the day on to morrow.

Mr. Ringgold presented the petition of sundry inhabitants of the county of Marengo, praying an alteration of the law fixing the seat of justice for said county, which was read.

Mr. Ringgold then moved for leave to introduce a bill to be entitled an act to alter and amend a part of the first section of an act

I cannot close this communication without calling your attention to the manifest imperfections in the existing laws for the collection of the Revenue, which would have been alone sufficient to have induced a called session. That a public credit should at all times be sustained, is of the highest importance to the faithful administration of the Government; but such are the imperfections of the present system, that although the taxes are nominally high, yet the amount of the actual receipts into the Treasury will fall far short of the charges upon it. The defect proceeds principally from the mode of assessment, and I would recommend a total change of the system, and would suggest the propriety of so framing the laws as to require the property of each individual to be given into one assessor only, to require the lands to be designated by townships, ranges, quarter sections, &c. and to reinstate the old mode of classification. THOMAS BIBB.

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Whereupon, Messrs. Rose, Gause and Elliott were appointed.

On motion the Senate adjourned until ten o'clock to morrow morning.

TUESDAY, June 5, 1821.

The Senate met pursuant to adjournment. (10)

entitled an act to provide for the fixing the site for the permanent seat of jusitce for the county of Marengo, and for other purposes.

And the question being taken thereon it was decided in the negative.

Mr. Chambers moved the adoption of the following resolution: Resolved, that so much of the Governor's message as relates to the revenue law be referred to a select committee.

And the question being taken thereon, it was decided in the negative.

Mr. Rose proposed the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that it is inexpedient at the present session to take up any business other than the apportionment, the revenue and the expences of the General Assembly, and when those questions are disposed of the General Assembly will adjourn sine die.

Which was read the first time, and on motion ordered to lie on the table.

Mr. Garth presented the petition of sundry inhabitants of the county of Cotaco, praying that the members of the General Assembly may be reduced to the lowest Constitutional number, and that the compensation of the members of the legislature may be reduced to three dollars per day, and

On motion of Mr. Garth said petition was referred to a select com-

mittee.

Whereupon, Messrs, Garth, Conner and Terrell, were appoined.

On motion the Senate adjourned until nine o'clock to morrow morning.

WEDNESDAY, June 6, 1821.

The Senate met pursuant to adjournment.

Mr. Elliot presented the petition of the master builders and machanics of Mobile, which was read.

Mr. Elliot then asked and obtained leave to introduce a bill for the relief of the master builders and mechanics of the city of Mobile.

Which was read the first time, and on motion ordered to be read a second time on to morrow.

According to the order of the day the senate resolved itself into a committee of the whole on the bill to apportion the Representatives among the several counties of this state, according to the returns of the late census; Mr. Gause in the chair : after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Gause reported, that the committee of the whole had according to order had said bill under consideration and had made sundry amendments thereof.

Said bill was then read as amended, and on motion of Mr. Gause the amendments were concurred in by the senate.

Mr. Rose from the select committee to whom was referred so much of the Governor's message as relates to the apportionment of the members of the House of Representatives and laying of the state into senatorial district, reported a bill, which was read the first time.

On motion of Mr. Gause, the rule which requires all bills to be read on three several days was dispensed with, and sad bill was read the second time forthwith.

Mr. Chambers moved that said bill be committee to a committee of the whole and made the order of the day this afternoon.

And question being taken thereon and was decided in the negative.

On motion of Mr. Elliot said bill was committed to a committee of the whole and made the order of the day on to morrow.

Mr. Ringgold presented the petition of sundry inhabitants of the county of Marengo, praying an alteration of the law fixing the seat of justice for said county, which was read.

Mr. Ringgold then moved for leave to introduce a bill to be entitled an act to alter and amend a part of the first section of an act

Mr. Elliott moved that said bill be engrossed and read a third time on to morrow.

And the question being taken thereon, it was decided in the negative.

Mr. Chambers moved that said bill be engrossed and read a third time forthwith.

And the question being taken thereon, it was also decided in the negative.

On motion of Mr. Casey the vote for engrossing said bill for a third reading onto morrow was reconsidered.

On motion said bill was ordered to be engrossed and read a third time on to morrow.

Mr. Rose moved that the senate now consider the resolution restricting the business of the present session, which was read a second time: and on motion of Mr. Garth ordered to lie on the table.

Mr. Garth from the select committee on the petition of sundry inhabitants of the county of Cotaco, relative to the expence of the General Assembly reported a bill to be entitled an act to reduce the expences of the General Assembly, which was read the first time.

On motion of Mr. Garth the voted which requires all bills to be read on three several days was dispensed with, and said bill was then read the second time, and

On motion of Mr. Garth committee to a committee of the whole and made the order of the day on to morrow.

Mr. Terrell moved that the senate reconsider the vote on a bill to be entitled an act to alter and amend an part of the first section of an act entitled an act to provide for fixing the site for the permanent seat of justice in the county of Marengo, which passed in the affirmative.

Mr. Ringgold then asked and obtained leave to introduce said bill, which was read the first time.

On motion of Mr. Ringgold, the rule which requires all bills to be read on three several days was dispensed with; said bill was then read the second time forthwith, and

On motion committed to a committee of the whole and made the order of the day on to morrow.

On motion of Mr. Ringgold the following resolution was adopted:

Resolved, that a special committee be appointed to prepare and report a bill making such amendments to the law now in force respecting insolvent debtors as shall finally abolish the inhuman and barbarous practice of imprisonment for debt, when the debtor may be willing to deliver up his property for the benefit of his creditors.

Whereupon, Messrs, Ringgold, Lucas, and Dennis were appointed.

On motion the senate adjourned until twelve o'clock.

Twelve o'clock noon.

The senate met pursuant to adjournment.

Mr. Ringgold from the select committee to whom was referred a resolution respecting insolvent debtors, reported a bill to be entitled an act amendatory of the laws not in force for the relief of insolvent

debtors, which was read the first time– Ordered that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read a second time forthwith. Said bill was then read the second time, and on motion, committee to a committee of the whole, and made the order of the day on tomorrow.

The senate adjourned until 9 o'clock, to-morrow morning.

THURSDAY, June 7, 1821.

The Senate met pursuant to adjournment.

On motion of Mr. Chambers, the Senate received the certificate of election of John W. Devereux, from Conecuh county, elected in room of John Herbert, resigned ; and the oath prescribed by law, being administered to him by the president, he accordingly took his seat in the Senate.

The engrossed bill to be entitled an act to apportion the representatives among the several counties of this State, was taken up and read the third time and on motion of Mr. Casey, said bill was laid on the table.

According to the order of the day the senate resolved itself into a committee of the whole on the bill to be entitled an act amendatory of the laws now in force for the relief of insolvent debtors. Mr. Chambers in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair and Mr. Chambers reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same had directed him to report progress and ask leave to sit again: which was refused.

On motion of Mr. Elliot, said bill was referred to a select committee, whereupon Messrs. Elliott, Lucas and Ringgold were appointed.

A message from the acting governor by Thos. A. Rogers, Esq. Secretary of State, in writing to wit:

Executive Office, June 7th, 1821.

Gentlemen of the Senate and of the House of Representatives,

I have the honor at this time to lay before your, a memorandum of vacancies which have occurred since your last session, if offices which it will devolve on you to fill during your present session.

I beg leave likewise to recommend to your consideration, at this time, the propriety of adjusting and settling the claim of William Terry Esq. for services rendered in the examination of certain rivers is this state. (Signed) THOMAS BIBB.

Which was read and ordered to lie on the table.

Mr. Davis asked and obtained leave to bring in a bill to be entitled an act authorizing ministers of the gospel to solemnize the rites of matrimony, which was read the first time, and on motion ordered to be read the second time on to-morrow.

Mr. Dennis asked and obtained leave to bring in a bill to alter the boundaries of certain counties therein named, which was read the first time, and on motion ordered to be read a second time on to-morrow.

Mr. Lucas asked and obtained leave to bring in a bill to be entitled an act to change the name of the town of Ococoposo and the time for holding town elections, which was read the first time, and on motion ordered to be read a second time on to morrow.

According to order the senate resolved itself into a committee of the whole, on the bill to be entitled an act to reduce the expences of the General Assembly, Mr. Terrell in the chair, and after sometime spent therein the committee rose, Mr. President resumed the chair and Mr. Terrell reported that the committee of the whole had according to order had said bill under consideration but not having time to go through with the same had instructed him to report progress and ask leave to sit again, which was granted.

A message from the House of Representatives by Messrs. Moore of Madison and Armstrong of Mobile:

Mr. President: The House of Representatives have passed the following bills, to which they desire the concurrence of your honorable body.

An act to amend an act entitled an act to establish a bank in the town of Mobile, passed at St. Stephens the twentieth November eighteen hundred and eighteen.

An act to apportion the representatives among the several counties of this state and divide the state into senatorial districts, according to the returns of the last census. And

A resolution authorizing the Comptroller to collect a sum of money therein named; which resolution was read the first time, and on motion of Mr. Elliott the rule which requires all bills to be read on three several days was dispensed with and said resolution was read a second time forthwith. And on motion ordered to be read a third time on to morrow.

The bill entitled an act to amend an act entitled an act to establish a bank in the town of Mobile passed at St. Stephens the 20th of November 1818, was read a the first time.

Mr. Elliott moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read the second time forthwith. Said bill was then read the second time.

Mr. Elliott presented the petition of sundry of the stockholders of said bank, praying that no amendment be made to the law establishing a bank in the town of Mobile. And.

On motion of Mr. Elliott said petition together with the bill amendatory of said law was referred to a select committee. Whereupon Messrs. Elliott, Casey and Terrell were appointed.

Mr. Elliott from the select committee, to whom were referred said petition and bill, reported that the prayer of the petition was unreasonable, and ought not, therefore to be granted. And also, reported the bill without amendment.

On motion ordered that said bill be read a third time on to morrow.

The bill to be entitled an act for the relief of the master builders

and mechanics of the city of Mobile was read second time, and on motion of Mr. Elliott ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Ringgold, the committee of the whole was discharged from the further consideration of the bill to be entitled an act to alter and amend a part of the first section of an act to provide for fixing the site for the permanent seat of justice for the county of Marengo and for other purposes.

Mr. Terrell moved to amend said bill by adding two additional sections thereto, to wit:

And be it further enacted, That so much of an act entitled an act defining the boundaries of Marion county and for other purposes, passed at the last session as limits and restricts the commissioners to fix upon a site for the permanent seat of justice within three miles of the center, be and the same is hereby repealed; and the said commissioners or their successors are hereby authorized and directed, to fix upon the nearest eligible site to the centre, having due regard to good and lasting water, and a healthy situation. And the said commissioners or their successors are hereby authorized to purchase for the use of the county to be applied to the completion of the public buildings in said county, one hall quarter section of land, or any less quantity, which to them may appear best to comport with the good of the county. And be it further enacted, That the election precinct heretofore established at the house of McPhadyen in the county of Marion be, and the same is hereby, abolished; and that an election precinct be, and is hereby, established, at the house of Cox, residing near Cole Fire creek, in the county of Pickens.

Which were read and adopted.

Mr. Gaines also moved to add an additional section to said bill, to wit: And be it further enacted, That there shall be an election precinct in the county of Jackson, on the Hurricane fork of Flint river, at the house of the widow Campbell, in addition to those already provided by law.

Which was read and adopted.

On motion of Mr. Chambers, the following additional section was added: And be it further enacted, That an election precinct is hereby established at the house of William Blackshears, in the county of Conecuh, in addition to those already established.

On motion of Mr. Lucas, the following additional section was also added; And be it further enacted, that an election precinct be established at Brainbridge in the county of Franklin.

On motion ordered that said bill, as amended, be engrossed and read a third time on to-morrow.

The engrossed bill to apportion the representatives among the several counties, according to the late census was taken up and read the third time.

Mr. Davis moved to amend said bill by an additional section by way of rider of the following tenor, to wit: Sec. 2. And be it further en-

acted, that the counties of Baldwin, Washington and Mobile shall from one senatorial district; Conecuh, Henry and Butler, one: Monroe and Wilcox one; Clarke and Marengo one; Dallas and Perry, one; Autauga and Montgomery, one; Greene and Tuskaloosa, one; Bibb and Shelby, one; Jefferson and Marion, one; Blount and St. Clair, one; Cotaco, one; Lawrence, one; Franklin, one; Lauderdale, one; Limestone, one; Madison, one; and Jackson one; and each district shall be entitled to elect one senator.

And the question being taken thereon, the ayes and noes being called for, it passed in the negative, ayes 5, noes 14. Those who voted in the affirmative are

Messrs. President, Davis, Devereux, Garth and Ringgold.

Those who voted in the negative are Messrs. Casey, Conner, Chambers, Dennis, Elliott, Gause, Gains, Hanby, Hogg, Lucas, Rose, Terrell, Trotter and Ware.

Mr. Elliott from the select committee to whom was referred the bill to be entitled an act amendatory of the laws now in force for the relief of insolvent debtors, reported a new bill which was read the first time.

Mr. Elliott moved, that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read the second time by its caption, which was accordingly read the second time.

On motion of Mr. Elliott, said bill was considered as engrossed, and ordered to be read the third time on to-morrow.

On motion of Mr. Casey, the bill from the House of Representatives entitled an act to apportion the representatives among the several counties of this state and to divide the state into senatorial districts according to the returns of the late census, was ordered to lie on the table.

Mr. Gaines presented the petition of John B. Swan of Jackson county, praying for relief from certain forfeitures appearing against him in the court of that county at the instance of the state; which was read, and on motion of Mr. Terrell referred to a select committee; whereupon Messrs. Terrell, Gaines and Devereux were appointed.

The senate then adjourned until 8 o'clock, to-morrow morning.

FRIDAY, June 8, 1821.

The senate met pursuant to adjournment.

Mr. Joseph Farmer, senator from Lauderdale county appeared and took his seat.

On motion of Mr. Chambers, Mr. farmer had leave granted him to record his name as voting in the negative on the question of making an additional section by way of rider on the senate's bill to apportion the representatives among the several counties, according to the late census.

On motion of Mr. Gause, the senate resumed the consideration of the bill from the House of Representatives, entitled an act to apportion the representatives among the several counties in this state into senatorial districts according to the returns of the last census.

On motion of Mr. Elliott, said bill was indefinitely postponed.

The bill for the relief of the master builders and mechanics of the city of Mobile, was read the third time and passed. Ordered that the title of said bill be, “an act for the relief of the master builders and mechanics of the city of Mobile in the state of Alabama.” Ordered that the secretary acquaint the House of Representatives thereof.

The engrossed bill entitled an act amendatory of the laws now in force for the relief of insolvent debtors was read the third time and passed. Ordered, that the title of sad bill be “an act amendatory of the laws now in force for the relief of insolvent debtors.”

The joint resolution authorizing the Comptroller to collect a sum of money therein mentioned, was read the third time and passed.

The bill from the House of Representatives entitled an act to amend an act to establish a bank in the town of Mobile, passed at St. Stephens 20th, November 1818, was read a third time and passed. Ordered that the Secretary acquaint the house of Representatives thereof.

The engrossed bill to be entitled an act to alter and amend a part of the first section of an act entitled an act to provide for fixing the site for the permanent seat of Justice in the county of Marengo, was read the third time and passed.

On motion of Mr. Ringgold, Ordered, that the title of said bill be altered to ana ct amendatory of certain acts, and to establish certain election precincts therein mentioned. Ordered, that th Secretary acquaint the House of Representatives thereof.

A message from the House of Representatives by Messrs. Tagert and Bigham.

Mr. President, The House of Representatives have passed the following bills, to which they ask the concurrence of your honorable body: to wit:

An Act to reduce and fix the pay of the members of the General Assembly.

An Act to repeal the second section of an act passed te 20th of December, 1820, to establish certain election precincts therein named, and for other purposes.

An act to alter and amend the Militia Law of this State.

An Act to authorize Malcom Gilchrist to build a mill on the Muscle Shoals, and an act to prescribe the manner of taking depositions.

The bill to be entitled an act authorizing Ministers of the Gospel to solemnize the rites of matrimony, was read the second time.

Mr. Ringgold moved to strike out the first section of said bill, the question being taken, and the ayes and nays called for, it passed in the negative. Ayes 6, Nays 14.

Those who voted in the affirmative are Messrs, Dennis, Hogg, Lucas, Ringgold, Rose and Ware. Those who voted in the negative are Mr. President, Messrs. Casey, Conner, Chambers, Davis, Devereux, Elliott, Farmer, Garth, Gause, Gaines, Hanby, Terrell and Trotter.

Mr. Elliott moved to amend said bill by adding to the first section thereof the following proviso : Provided that each minister shall

previously comply with the requisitions of the law in such cases made and provided; which was read and adopted. On motion said bill was engrossed forthwith. On motion of Mr. Garth, the rule which requires all bills to be read on three several days, was dispensed with and said engrossed bill was then read the third time and passed.

Ordered, that the title of said bill be an act authorizing ministers of the gospel to solemnize the rights of matrimony.

Ordered, that the secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to change the name of the town of Cocoposo, was read the second time.

On motion of Mr. Lucas the rule which requires all bills to be read on three several days was dispensed with said bill was ordered to be engrossed for a third reading in the evening.

The bill entitled an act to alter the boundaries of certain counties therein mentioned, was on motion of Mr. Casey postponed until the first Monday of November next.

Mr. Chambers moved the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that from and after the adoptionof this resolution it shall not be lawful for any justice of the peace to enter judgment against any person residing out of his county, beat or district, in which said justice shall reside: which was read the first time.

Mr. Chambers moved that said resolution be read the second time on to morrow. And on the question being taken thereon, the yeas and noes being called for, it passed in the negative. Ayes 9,
Noes 10.

Those who voted in the affirmative are Messrs. Conner, Chambers, Dennis, Devereux, Farmer, Hogg, Lucas, Rose, and Terrell.

Those who voted in the negative are Messrs. President, Casey, Davis, Elliot, Garth, Gause, Gaines, Hanby, Trotter and Ware.

According to the order of the day the senate resolved itself into a committee of the whole on the bill to be entitled an act to reduce the expences of the General Assembly, Mr. Farmer in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had, according to order, had said bill under consideration, and had made sundry amendments thereto, in which they desire the concurrence of the senate.

Mr. Rose moved that the senate concur in the first amendment of the committee of the whole in filling the blank with three dollars, the per diem pay of the members of the General Assembly. And the question being taken thereon, the ayes and noes being called for, it passed in the affirmative. Ayes 12, Noes 7.

Those who voted in the affirmative are Messrs. Casey, Conner, Chambers, Davis, Dennis, Devereux, Elliott, Garth, Hanby, Hogg, Rose and Ware.

Those who voted in the negative are Messrs. President, Farmer, Gause, Lucas, Ringgold, Terrell and Trotter.

Mr. Rose moved that the senate concur in the amendment of the committee, fixing the Governor's salary at two thousand dollars, and the question being taken thereon and the yeas and nays being called for, it passed in the affirmative. Ayes 19, Noes 0.

Those who voted in the affirmative are Messrs. President, Casey Conner, Chambers, Davis, Dennis, Devereux, Elliott, Farmer, Garth, Gaines, Hanby, Hogg, Lucas, Ringgold, Rose, Terrell, Trotter and Ware.

Mr. Rose moved that the senate concur in the amendment by the committee in fixing the salary of the attorney general at three hundred dollars. And the question being taken thereon, the ayes and noes being called for, it passed in the affirmative. Ayes 13, Noes 6.

Those who voted in the affirmative are Messrs. President, Conner, Chambers, Dennis, Devereux, Farmer, Gaines, Hanby, Hogg, Lucas, Rose, Terrell, and Ware.

Those who voted in the negative are Messrs. Casey, Davis, Elliott, Garth, Ringgold and Trotter.

Mr. Rose moved that the senate concur in the report of the committee in fixing the salary of the solicitors at one hundred and fifty dollars each. And the question being taken thereon, & the ayes and noes being called for, it passed in the affirmative. Ayes 13, Noes 5.

Those who voted in the affirmative are Messrs. President, Conner, Chambers, Dennis, Devereux, Farmer, Gaines, Hanby, Hogg, Lucas, Rose Terrell and Ware.

Those who voted in the negative are Messrs. Davis, Elliott, Garth, Ringgold and Trotter.

Mr. Rose moved that the senate disagree to the amendment of the committee in striking out that part of the bill relating to the Judges of the circuit court. And the question being taken thereon, and the ayes and noes being called for, it passed in the negative. Ayes 7. Noes 12.

Those who voted in the affirmative are Messrs. President, Dennis, Gaines, Hanby, Lucas, Rose and Ware.

Those who voted in the negative are Messrs. Casey, Conner, Chambers, Davis, Devereux, Elliott, Farmer, Garth, Hogg, Ringgold, Terrell and Trotter.

Mr. Rose moved that the senate disagree to the amendment of the committee in striking out so much of the bill as relates to the treasurer of the state. And the question being taken thereon, the ayes and noes being called for, it passed in the negative. Ayes 6. Noes 16.

Those who voted in the affirmative are Messrs. President, Conner, Dennis, Devereux, Hanby, Hogg, Lucas, and Rose.

Those who voted in the negative are Messrs. Chambers, Davis, Elliott, Farmer, Garth, Gaines, Ringgold, Terrel, Trotter, and Ware.

Mr. Rose moved, that the Senate concur in the amendment of the committee of the whole in striking out so much of the bill as relates to the Secretary and Comptroller.

And the question being put it passed in the affirmative.

Mr. Rose moved that the Senate re-consider the vote on concurring in the amendment of the committee of the whole, fixing the per diem pay of the members of the General Assembly at three dollars. And the question being taken thereon, it was decided in the affirmative.

Mr. Ringgold then moved that the Senate disagree to said amendment for the purpose of inserting four dollars. And the question being taken thereon, and the yeas and nays called for it passed in the negative. Ayes 8, nays 10.

Those who voted in the affirmative are Messrs. President, Davis, Farmer, Gaines, Lucas, Ringgold, Terrel and Trotter.

Those who voted in the negative are Messrs. Conner, Chambers, Dennis, Devereux, Elliott, Garth, Hanby, Hogg, Rose and Ware.

On motion of Mr. Rose the Senate concurred in the other amendments made the committee of the whole on the bill.

On motion of Mr. Elliott the rule which requires all bills to be read on three several days was dispensed with, said bill was then ordered to be engrossed for a third reading to day.

A bill from the House of Representatives entitled an act to reduce and fix the pay of the members of the General Assembly was read the first time.

On motion of Mr. Elliott the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time.

On motion said bill was committed to a committee of the whole and made the order of the day in the afternoon.

A bill from the House of Representatives to be entitled ana ct to repeal the second section of an act passed the 20th December 1820, to establish certain election precincts therein named and for other purposes was read the first time, and ordered to be read the second time on to-morrow.

A bill from the House of Representatives entitled an act to authorize Malcolm Gilchrist to build a mill on the muscle shoals on Tennessee river was read the first time.

Mr. Garth moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time forthwith.

Said bill was then read the second time.

Mr. Garth moved that the rule which required all bills to be read on three several days be again dispensed with and that said bill be read a third time forthwith.

Said bill was then read a third time and passed,

Ordered, that the Secretary acquaint the House of Representatives thereof.

A bill from the House of Representatives entitled an act to prescribe the manner of taking depositions was read the first time, and Ordered to be read the second time on to morrow.

A bill from the House of Representatives, entitled an act to amend the militia law of this State was read the first tie and ordered to be read a second time on to morrow.

The engrossed bill to be entitled an act to reduce the expenses of the General Assembly was read the third time.

Mr. Casey moved to amend said bill by an additional section by way of rider as follows:

Sec. 4. And be it further enacted, That the Sheriff of Dallas county shall be entitled to, and receive out of the public Treasury in full compensation for his services three dollars per day for attending the court of error and appeals: also such sums as the court may allow for the rent of the house for the use of said court, to be paid by the Treasurer on the certificate of the clerk of said court.

And on the question being put, said amendment was adopted.

Said bill was then read as amended and passed.

On motion said bill was altered and amended from a bill to an act to reduce the expenses of the General Assembly and for other purposes.

Ordered that the Secretary acquaint the House of Representatives thereof.

The Engrossed bill entitled an act to change the name of the town of Ococoposo, and the time of holding town elections was read the third time.

Mr. Garth moved to amend said bill by two additional sections by way of rider, as follows.

Sec. 3. And be it further enacted, That from and after the passage of this act the county of Cotaco shall be know and called by the name of Morgan; and all rights, actions, prosecutions, claims, and contracts of individuals, as well as bodies corporate, shall continue as if no change in the name of the county of Cotaco had taken pace, and all process running in the name of Cotaco county shall hereafter run in the name of the county of Morgan.

Sec. 4. And be it further enacted, That all officers both civil and military, holding commissioners or appointments in the said county of Cotaco shall continue the same in the county of Morgan, during their legal or constitutional period; and all laws and parts of laws relating to the county of Cotaco, shall be construed to relate to the county of Morgan; which amendment was adopted. Said bill as amended was again read and passed. On motion, said bill was altered and amended from a bill to an act to change the name of the town of Ococoposa and for other purposes. Ordered, that the secretary acquaint the House of Representatives thereof.

The bill from the House of Representatives entitled an act to reduce and fix the pay of the members of the General Assembly, was on motion of Mr. Casey, ordered to lie on the table.

The engrossed bill entitled an act authorizing licensed ministers of the gospel to solemnize the rites of matrimony was read the third tie and passed. Ordered, that the title of said bill be, an act authorising

licensed ministers of the gospel to solemnize the rites of matrimony.

Mr. Farmer gave voted, that he would on to-morrow ask leave to bring in a bill to be entitled an act explanatory of stays of executions and the fees of certain officers.

On motion of Mr. Elliott, the following resolution was adopted:

Resolved by the senate, that with the concurrence of the House of Representatives, both houses will proceed on Saturday next, at 12 o'clock A.M. to fill such vacancies in office as may have occurred since the last session of the General Assembly of the state of Alabama.

Ordered, that the secretary acquaint the House of Representatives thereof.

The senate adjourned until 8 o'clock, to-morrow morning.

SATURDAY, June 9, 1821.

The senate met pursuant to adjournment.

A bill to be entitled an act to alter and amend the militia law of this state was read the second time. On motion of Mr. Chambers, said bill was referred to a select committee. Whereupon Messrs. Chambers, Hogg and Elliott, were appointed.

On motion of Mr. Elliott the rule which requires notice for leave to introduce a bill was dispensed with.

Mr. Elliott had then leave to bring in a bill to be entitled an act to amend the laws not in force in relation to the public revenue, which was read the first time. On motion of Mr. Elliott, the rule which requires all bills to be read on three several days was dispensed, and said bill was read a second time forthwith. Mr. Terrell moved to amend said bill by adding te following, to wit: And be it further enacted, that no bank bills shall received into the treasury from the tax collectors of this state, but such are required by law to be collected from the people. And the question being put thereon, it passed in the affirmative. On motion of Mr. Casey, said bill as amended was ordered to lie on the table.

A message from the House of Representatives by Messrs. Holderness and M'Means.

Mr. President and Gentlemen of the Senate– I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act to alter and enlarge the terms of certain circuit courts: which was read the first time. On motion ordered that said bill be read a second time on Monday next.,

A bill to be entitled an act to repeal the second section of an act passed the 20th Dec. 1820, to establish certain election precincts therein named and for other purposes, was read a second time. On motion said bill was ordered to be read the third time on Monday next.

A bill to be entitled an act to prescribe the manner of taking depositions was read the second time. On motion of Mr. Elliot, said bill was indefinitely postponed.

Mr. Chambers from the select committee to whom was referred the bill to alter and amend the militia law of this state, reported an amendment thereto, by striking out the third section. On motion of Mr.

Chambers, said bill with the report was ordered to lie on the table.

Mr. Farmer agreeably to notice, asked and obtained leave to bring in a bill concerning stay laws and officers fees; which was read the first time.

Mr. chambers moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time.

Said bill was then read a second time, and on motion, committed to a committee of the whole and made the order of the day on Monday next.

On motion of Mr. Elliot, so much of the Governor's message as relates to William Terry civil engineer for the State of Alabama, was referred to a select committee consisting of Messrs. Elliott, Ringgold Rose.

Mr. Chambers introduced the following joint resolution:

Resolved, By the Senate and House of Representatives, of the State of Alabama, in General Assembly convened, That whereas the General Assembly have been convened, to act upon certain important considerations and whereas those objects seem to have been nearly concluded it is therefore deemed expedient that the General Assembly adjourn sine die on Wednesday next.

Which has read the first time and Mr. Chambers moved that the rule which requires all bills and joint resolutions to be read three several days be dispensed with and that said resolution be read a second time forthwith.

Said resolution was then read a second time.

Mr. Chambers moved that the rule which requires all bills and joint resolutions to be read on three several days be dispensed with and that said joint resolution be considered as engrossed and read the third time.

Said resolution was read the third time and passed.

Ordered, that the secretary inform the House of Representatives thereof.

Mr. Garth moved the following resolution which was adopted.

Resolved, that a committee be appointed to take into consideration the expense in relation to the compensation allowed to members attending courts martial for deciding contested elections and arrested officers, and that they have leave to report by bill or otherwise.

Whereupon Messrs. Garth, Chambers, and Elliott, were appointed.

Mr. Terrel from the select committee to whom was referred the petition of John B. Sevan, of Jackson county praying to be released from his forfeiture on recognizance for his failing to appear at Jackson circuit court; reported that the remedy afforded by law invested in the court having jurisdiction of the question, and the petition is considered as premature, an don motion the senate concurred in the said report.

Ordered that the petitioner have leave to withdraw his petition.

On motion of Mr. Chambers the senate resumed the consideration of the bill to be entitled an act to alter and amend the militia law of this state.

Mr. Garth moved the adoption of the following section in lieu of the third section.

Sec. 3d. And be it further enacted, That when any court martial is detailed in the manner designated by law and the officer or persons when trial may be ordered to proceed before such court, shall be apprehensive that justice will not be done, in consequence of prejudices existing against him or in consequence of a supposed bias existing in the minds of any of the court in favour of the person interested or the person making the arrest or in favour of either part in a contested election, and oath thereof being made and presented to the court with the consent of a majority of the members of said court, shall direct the officer objected against to withdraw. Which was read and adopted.

Mr. Casey moved to amend said amendment in the third line, and insert the word “officers” in lieu thereof. And the question being taken thereon, it was passed in the affirmative.

Mr. Elliott moved to amend said amendment further by striking out the word “when” in the same line, and insert in lieu thereof the word “whose.” And the question being taken thereon, it passed in the affirmative.

Mr. Garth moved to add the following additional sections to the bill: Sec. 7. And be it further enacted, That the first regiment shall be divided by the Brigadier General commanding the brigade; and the regiment when divided shall compose a part of the first brigade; the additional regiment shall be the thirty third regiment: the eastern regiment of Jackson shall be the first, and the western regiment shall be the thirty third regiment of the militia of this state: and the Brigadier General shall issue writs of election to offer the regiment as in cases provided for by law.

Sec. 8. And be it further enacted, That nothing in this act to which this is an amendment, shall be so construed as to prevent the organizing and establishing the volunteer company of light infantry called and stiled the Independent Blues of the town of Huntsville, raised by Capt. J. R. Dunn. and it is hereby made lawful for the Executive to cause commissions to issue to the different persons who have been elected as officers in said company: and the same shall constitute a part of the third regiment, and be subject to all the rules and regulations as provided by the existing laws. Which was read and adopted.

On motion of Mr. Davis the further consideration of said bill was postponed until Monday next.

A message from the House of Representatives by Messrs. Perkins and Leake: Mr. President, the House of Representatives have passed a bill to be entitled an act to authorize Leonard Peck and others to erect a toll bridge across the Black Warrior near the town of Tuscaloosa. And,

A bill to be entitled an act to repeal in part, and amend an act entitled an act to regulate the proceedings in courts of law and equity in this state.

A message from the House of Representatives by Mr. Morton: Mor. President, the House of Representatives have passed a bill to be entitled an act concerning executions and for other purposes. Which was read the first time.

Mr. Elliott moved that the rule which requires all to be read on three several days be dispensed with, and that said bill be read a second time forthwith. Said bill was then read the second time.

On motion of Mr. Elliott the senate resolved itself into a committee of the whole on said bill. Mr. Casey in the chair, and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had, according to order, had said bill under consideration and had directed him to report the bill with an amendment. which amendment was concurred in by the senate.

On motion of Mr. Davis, said bill was ordered to be read a third time on Monday next.

Message from the House of Representatives by Mr. Perry: Mr. President, the House of Representatives have passed a bill to be entitled an act authorizing licensed ministers of the Gospel to solemnize the rites of matrimony, which originated in the senate.

And a bill to be entitled an act concerning the Cahawba Bridge to which they desire your concurrence.

Mr. Gause from the committee on enrolled bills reported that the committee had examined the following bill and resolution and found the same duly enrolled, to wit: An act to amend an act entitled an act to establish a bank in the town of Mobile, passed at St. Stephens the 20th Nov. 1818. A resolution authorizing the Comptroller to collect a sum of money therein named.— Which bill and resolution were signed by the President.

The senate adjourned until Monday morning at 8 o'clock.

MONDAY, June 11, 1821.

The senate met pursuant to adjournment.

The senate resumed the consideration of the bill entitled an act supplementary to an act to organize the militia of this state passed at Cahawba 20th Dec. 1820, and for other purposes. Mr. Chambers moved to amend said bill by an additional section as follows, to wit: And be it further enacted, That from and after the passage of this act, that when any court martial shall be ordered by the Governor for the trial of any contested election of any Major General or Brigadier General in this state, the following pay shall be allowed to the members of the court; to wit: to the President of the court, five dollars per diem, and to each of the members, three dollars per diem, which said court is in session; The President and members of the court shall be entitled to the same per diem pay, going to and returning from the court, as they are entitled to when in session; allowing the members of the

court to travel thirty miles per day. On motion ordered that said bill with the amendment lie on the table.

A bill entitled an act amendatory of certain acts and to establish election precincts therein mentioned, with the amendments from the House of Representatives. On motion that the senate do concur with said amendments; the question was taken thereon and passed in the affirmative.

A bill entitled an act to authorise Leonard Peck and others to erect a till bridge across the Black Warrior near the town of Tuscaloosa, was read the first time. Mr. Hogg moved that the rule which required all bills to be read on three several days be dispensed with, and that said bill be read a second time forthwith. Said bill was then read the second time, and on motion of Mr. Hogg said bill was postponed until the first Monday in November next.

The bill entitled an act supplementary to an act to organize the militia of this state, passed at Cahawba 20th Dec. 1820, and for other purposes, was taken up, and the amendment, on motion of Mr. Chambers, by adding another section to the bill, was on the question being put passed in the affirmative. Said bill was then read as amended, the third time and passed. Ordered that the secretary acquaint the House of Representatives thereof.

The senate resumed the consideration of the bill to be entitled an act concerning executions and for other purposes, and said bill was read the third time and the question being taken on its passage, the ayes and noes being called for it passed in the affirmative, ayes 11, noes 8.

Those who voted in the affirmative are, Messrs, President, Conner, Davis, Dennis, Garth, Gaines, Hanby, Lucas, Ringgold, Rose and Terrell.

Those who voted in the negative are Messrs. Casey, Chambers, Devereux, Elliott, Gause, Hogg, Trotter and Ware.

A bill to be entitled an act concerning the Cahawba bridge was read the first time. Mr. Casey moved that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read the second time forthwith. Said bill was then read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled an act to amend an act entitled an act to regulate the proceedings in courts of law and equity in this state, was read the first time. Mr. Elliott moved that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read a second time forthwith. Said bill was then read the second time, and on motion committed to a committee of the whole and made the order of the day on to-morrow.

The bill concerning stay of executions, and officers fees, was on motion ordered to lie on the table.

A bill to be entitled an act to alter and enlarge the towns of certain circuit and county courts was read a second time, and on motion said bill was committed to a committee of the whole and made the order of the day on to-morrow.

The bill entitled an act to repeal the second section of an act passed

20th Dec. 1820, to establish certain election precincts therein named and for other purposes, was read the third time and passed. Ordered that the secretary acquaint the House of Representatives thereof.

Mr. Elliott from the select committee to whom was referred that part of the Governor's last message as relates to Wm. Terry civil engineer, reported as follows: Mr. President, the committee to whom was referred so much of the message of his excellency the acting Governor as relates to the propriety of adjusting and settling the claims of William Terry, Esq. for services rendered in the examination of certain rivers of this state, report that they have with attention and deliberation examined the subject submitted to their consideration, and have with circumspection investigated the accounts presented by the said Terry against the state of Alabama, for services rendered by the said Terry to this state in pursuance of the provisions contained in the act of the legislature of this state, passed Dec.13, 1813, entitled an act to provide for examining certain rivers therein named and for other purposes. Your committee have satisfactorily ascertained that the object embraced and intended to be effected by said a t, have only been partially carried into execution by the said Terry the engineer employed for that purpose by his excellency the late Governor. Your committee are of the opinion that the account presented by said Terry (for his services) against this state is exorbitant and might not to be admitted in the whole; because, by the before recited act, a sum of money not to exceed four thousand dollars was appropriated by the legislature, to carry into effect all the object embraced by the said act and contemplated thereby to be performed. And that it evidently appears to your committee that may of the purposes contemplated to be effected and to result from the services of said Terry pursuant to his engagement and agreement with the late Governor, have not been accomplished. Your committee therefore, in recommending to your honourable body the adoption of measures calculated to extend relief to the said Terry, have deemed it inexpedient to advert to the before recited act, or to consider it as the basis of their proceedings in this case; but have allowed said Terry for his services as engineers, during the time he was actually engaged in the service of this state, at the rate of four thousand dollars per annum: computing the compensation therefore, of the said Terry by this rule, he would be entitled to receive for the time he was actually engaged in the service of the state, the sum of one thousand dollars. It also appears to your committee that for the purpose of employing mem to assist in such surveys as were made by said Terry in conformity with the before recited act, for provisions and other incidental charges, and also for expences incurred by said Terry as attending the legislature of this state, with the view of obtaining payment, and remuneration for his services, he has expended and is entitled to received, the additional sum of one thousand dollars. Your committee would recommend the adoption of a law calculated to extend and afford relief to the said Terry in

order that he may be remunerated for services rendered and be indemnified for expences incurred. JOHN ELLIOTT,
Chairman of the committee.

Mr. Elliott further reported by a bill entitled an act for the relief of William terry, Esq. which was read the first time.

Mr. Elliott moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time forthwith. Said bill was then read the second time and on motion committed to a committee of the whole and made the order of the day on to morrow.

The senate adjourned until eight o'clock to morrow morning.

TUESDAY, June 12, 1821.

The Senate met pursuant to adjournment.

On motion of Mr. Elliott the bill to be entitled an act to reduce and fix the pay of the members of the General Assembly, was ordered to lie on the table.

On motion of Mr. Elliott a bill entitled an act to amend the laws now in force in relation to the public revenue, was order to lie on the the table

A bill to be entitled an act to amend an act entitled an act to regulate the proceedings in courts of law and equity of this state, was read a second time.

On motion of Mr. Elliott the senate resolved itself into a committee of the whole on the bill to be entitled an act to regulate the proceedings in courts of law and equity of this state, Mr. Garth in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole had, according to order, had said bill under consideration and had instructed him to report the same with sundry amendments, in which they desire the concurrence of the senate.

Mr. Casey moved that the senate disagree to the amendment proposed by the committee of the whole by adding an additional section, to wit: And be it further enacted, that the Judge shall keep his office in the court house of his county.

And the question being taken thereupon, the ayes and noes being called for, it was decided in the affirmative. Ayes 14, Noes 5.

Those who voted in the affirmative are Messrs. Casey, Conner, Davis, Dennis, Elliott, Garth, Gause, Lucas, Ringgold, Rose, Terrell, Trotter and Ware.

Those who voted in the negative are Messrs. President, Chambers, Gaines, Hanby and Hogg.

Mr. Casey moved that the senate concur in the amendment proposed by the committee by adding the following section, to wit:

And be it further enacted, that this act shall continue and be in force until the first day of January, 1823.

And the question being taken, the ayes and noes being called for, it passed in the affirmative.

Those who voted in the affirmative are Messrs. President, Casey

Chambers, Dennis, Devereux, Gaines, Hanby, Hogg, Lucas, Ringgold, Rose, Terrell and Trotter.

Those who voted in the negative are Messrs. Conner, Davis, Elliott, Garth and Gause.

On motion of Mr. Casey the senate concurred to the other amendments proposes by the committee of the whole to said bill.

On motion ordered that said bill as amended by read a third time in the afternoon.

A message from the House of Representatives by Messrs. Armstrong of Mobile, and Mr. Clay: Mr. President, the House of Representatives have adopted the following order– that a committee be appointed on the part of this House to act with such committee as may be appointed on the part of the senate to draft a memorial praying Congress to change the manner of holding the District Courts of the U. States in this state, so as to place citizens on an equal footing with the citizens of other states, to the operation of said court, and that the said committee also take into consideration the propriety of memorializing Congress on the necessity of continuing the erection of fortifications on Dauphin Island, in which they desire your concurrence. And have appointed on their part Messrs. Armstrong of Mobile. Murphy and Chambers.

On motion of Mr. Elliott a committee was appointed on the part of the senate, consisting of Messrs. Elliott, Casey and Garth.

Mr. Davis moved that the rule which requires one days notice to introduce a bill be dispensed with. Mr. Davis then asked and obtained leave to bring in a bill to be entitled an act providing for the payment of costs in certain cases which was read the first time. On motion of Mr. Davis, the rule which requires, all bills to be read on three several days was dispensed with and said bill was read a second time forthwith. Mr. Garth moved to amend said bill by adding the following section. And be it further enacted, That this act shall not be construed to repeal an act approved 20th December, 1820, giving jurisdiction to certain counties; which was read and adopted. Ordered that said bill be engrossed for a third reading on to-morrow.

Mr. Garth from the committee on enrolled bills, reported, that the committee had examined the following bills and found them duly enrolled, to wit: an act to amend an act passed 20th December, 1820, to establish certain election precincts therein mentioned and for other purposes; an act to authorize Malcom Gilchrist of Lawrence county, to build a mill and other water works on the muscle shoals.

On motion of Mr. Elliott the bill entitled an act to repeal in part, and amend an act entitled an act to regulate the proceedings, in courts of law and equity in this state, was ordered to lie on the table.

Message from the House of Representatives by Mr. Isaac Brown.

Mr. President, the House of Representatives have passed the bill entitled an act to apportion the representatives among the several counties of this state according to the returns of the late census, which they have amended by adding two sections to wit: Sec. 2. And be it

further enacted, that the counties of Baldwin, Washington and Mobile, shall form one senatorial district; Conecuh, Henry, and Butler, on; Monroe and Wilcox one; Clarke and Marengo one; Dallas and Perry, one; Autauga & Montgomery, one; Greene, Pickens & Tuskaloosa, one; Bibb and Shelby, one; Jefferson and Marion, one; Blount and St. Clair, one; Cotaco, one; Lawrence, one; Franklin and Lauderdale, one; Limestone, one; Madison, one; and Jackson, one; and each district shall be entitled to elect one senator.

Sec. 3. And be it further enacted, That the sheriff of the counties of Washington, Clark, Monroe, Conecuh, Dallas, Montgomery, Tuskaloosa, Bibb, Jefferson, St. Clair, and Lauderdale, shall be the returning officers for their respective districts, and the sheriffs of the other counties of the districts shall make returns to the returning officers within ten days after the senatorial election. they have further amended said bill, by inserting after the word Tuskaloosa the words "and that part of Pickens, taken from Tuskaloosa."– By inserting after the word "Dallas" the words "and that part of Wilcox taken from Dallas"– By inserting after the word "and" and before "Wilcox" the words "the parts of" and after the word "Wilcox" the words "taken from Monroe,"– And after the word "and" and before the word "Butler" the words" and the parts of" and after the word "Butler" the words "taken from Conecuh." To all of which amendments, the House of Representatives ask the concurrence of your honorable body. The House of Representatives have amended the title of said bill by adding after the word "state" "and to divide the state into senatorial districts."

Mr. Elliott moved that the senate disagree to the first and second amendments of the House of Representatives to said bill, and the question being taken thereupon the ayes and noes being called for, it passed in the affirmative. Ayes 13, Noes 6.

Those who voted in the affirmative are Messrs, Casey, Conner, Chambers, Dennis Elliott, Gause, Gaines, Hanby, Hogg, Rose, Terrell, Trotter and Ware.

Those who voted in the negative are Messrs, President, Davis, Devereux, Garth Lucas, and Ringgold.

On motion of the senate disagree to the last amendment, to change the title of said bill. On motion of Mr. Elliott the senate concurred in the other amendments to said bill. Ordered that the secretary acquaint the House of Representatives thereof.

A bill to be entitled an act concerning the Cahawba Bridge was read a third time and passed.

A bill to be entitled an act to amend an act entitled an act to provide, for assessing and collecting taxes, and for taking the census of the state, passed the 2d session of the General Assembly on the 22d day December, 1820, was read the first time.

Mr. Chambers, moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time forthwith.

Said bill was then read the second time, and on motion committed to a committee of the whole and made the order of the day on tomorrow.

A bill to be entitled an act authorizing executions, administrators, and guardians to relinquish lands under the act of Congress, passed March 2d, 1821, and for other purposes, was rad the first time.

On motion of Mr. Gaines, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read the second time forthwith.

On motion, Ordered, that said bill be read a third time on to-morrow.

A bill to be entitled an act, to amend in part an act to repeal in part and to amend an act entitled an act to regulate the proceedings in the courts of Law and Equity in this State, was read the third time.

And the question being put shall this bill pass, the ayes and nays being called for, it passed in the affirmative. Ayes 10, nays 8.

Those who voted in the affirmative, are Messrs, Casey, Davis, Elliott, Garth, Gause, Hanby, Hogg, Ringgold, Trotter and Ware– 10.

Those who voted in the negative are, Messrs, President, Chambers, Dennis, Devereux, Gaines, Lucas, Rose and Terrell– 8.

Ordered that the Secretary acquaint the House of Representatives thereof.

According to the order of the day the senate resolved itself into a committee of the whole, on a bill to be entitled an act to alter and enlarge the terms of certain circuit and county courts, Mr. Casey in the chair and after sometime spent therein, the committee rose, Mr. President, resumed the chair, and Mr. Casey, reported that the committee of the whole had according to order had said bill under consideration, and had directed him to report the same with sundry amendments.

Mr. Garth moved that the Senate disagree to the amendment proposed by the committee of the whole striking out of said bill so much as relates to Madison county.

And the question being taken thereupon, the ayes and noes being called for, it passed in the negative. Ayes 5, Noes 10.

Those who voted in the affirmative are Messrs, Davis, Devereux, Elliott, Garth and Trotter.

Those who voted in the negative are Messrs. President, Conner, Chambers, Dennis Gaines, Hanby, Hogg, Lucas, Rose and Terrell

On motion, the senate agreed to the other amendment so the committee. Said bill as amended was ordered to be read a third time on to-morrow.

On motion of Mr. Hogg, the senate reconsidered the vote on the bill authorizing Leonard Peck and others, to erect a bridge across the Black Warrior, near the town of Tuskaloosa. On motion of the Hogg, said bill was ordered to lie on the table.

A message from the House of Representatives, by Mr. Creagh.

Mr. President —— The House of Representatives disagree to the amendments made by your honorable body to the bill entitled an act supplementary to an act to organize the militia of the state, passed in Cahawba Dec. 20, 1820, and for other purposes, as follows: to strike out the third section, and they disagree to the section proposed in and

of the same. They have amended the amendment by striking out the word thirty third in the fifth line of the 7th section, and inserted thirty fifth, and stricken it out where it occurs again in the same section and inserted as above, they disagree to the ninth section of the amendment to which they desire your concurrence.

A message from the House of Representatives by Mr. Creagh.

Mr. President, the House of Representatives insist on their amendment to the bill entitled an act to apportion the representatives among the several counties in this state according to the late census. And the House of Representatives have appointed Messrs. M'Kinley, Armstrong of Mobile, Cleveland, Perkins and Cook a committee on their part, to confer with such committee as may be appointed on the part of the senate to accommodate the difference which exists between the tow houses on the subject of said bill.

On motion Messrs. Elliott, Casey, and Rose were appointed a committee to confer on the part of the senate.

A bill concerning stay laws and officers fees, was on motion ordered to lie on the table.

The senate then adjourned until to-morrow morning 8 o'clock.

WEDNESDAY, June, 13, 1821.

The senate met pursuant to adjournment.

Mr. Gause from the committee of enrolled bills reported that the committee had examined the following bills and found them duly enrolled, to wit:

An act authorizing licensed ministers of the gospel to solemnize the rites of matrimony.

An act amendatory of certain acts and to establish certain election precincts therein mentioned.

According to the order of the day the bill to be entitled an act authorising executors, Administrators, and guardians to relinquish lands under the act of Congress, passed March 2, 1821, was read the third time and passed.

Ordered, that the title be altered from a bill to that of an act authorizing executors, administrators and guardians, to relinquish lands under the act of Congress passed 2d march, 1821.

A bill to be entitled an act providing for the payment of costs in certain cases, was read the third time.

Mr. Elliott moved to amend said bill, by adding the following section, by way of rider, to wit:

and be it further enacted, that this act shall not extend to cases to which the venue may be changed from the county to another in this State; and the question being taken thereupon it passed in the affirmative. According to order the Senate resolved itself into a committee of the whole, on the bill entitled an act to amend an act entitled an act to provide for assessing and collecting the taxes, and for taking the Senate of this State, passed at the second session of the General Assembly on the 22d day of December 1820. Mr. Terrell in the chair, and after some time

spent therein the committee rose, Mr. President resumed the chair, and Mr. Terrell reported that the committee of the whole had according to order had said bill under consideration, and had made some progress therein; but not having time to go through with the same had directed me to report progress and ask leave to sit again, which was granted.

Message from the House of Representatives, by Mr. Walker.

Mr. President, the House of Representatives, have concurred in the amendment made by the senate to the bill entitled an act to repeal in part and amend an act to regulate the proceedings in the courts of law and equity of this state and have amended the amendment proposed to the second section of the said bill by striking out the word “twenty” and inserting in lieu thereof the word “five,” in which they desire the concurrence of the senate.

The House of Representatives have passed a resolution appointing persons to examine Tuscaloosa river; which was read the first time.

Mr. Hogg moved that the rule which requires all bills and joint resolutions to be read on three several days be dispensed with, and that said resolution was then read the second time.

Said resolution was then read the second time.

On motion of Mr. Hogg said resolution was amended by inserting the names of Edmund P. Bacon, and Gabriel Hanby in addition to those appointed.

On motion of Mr. Garth the name of John Fowler was also inserted.

On motion of Mr. Elliott, Ordered, that said resolution be committed to a committee of the whole and made the order of the day this afternoon.

A resolution relating to the county of Montgomery was read the first time, and

On motion of Mr. Gause ordered to be read a second time on tomorrow.

A bill entitled an act to reduce and fix the pay of the members of the General Assembly, and a bill to be entitled an act to authorize Leonard Peck and others to erect a toll bridge across the Black Warrior near the town of Tuscaloosa were on motion ordered to be on the table.

A message from the House of Representatives by Mr. Creagh.

Mr. President the House of Representatives have disagreed to the amendments made to the bill entitled an act supplementary to an act to organize the militia of this state, passed at Cahawba December, 20, 1829, and for other purposes, and follows, in striking out the 3d section and they disagree to the section proposed in lieu of the same.

They have amended the amendments by striking out the word “thirty third” in the 5th line of the 7th section and inserted thirty fifth, and striken out where it may occer again in the same sections and inserted as above.

They disagree to the 9th section of the amendment.

In the other amendment proposed by the senate the House of Representatives have concurred.

Mr. Rose moved that the senate adhere to their amendments in striking out the third section of said bill and substituting another in lieu thereof. And the question being taken thereupon, it passed in the affirmative.

Mr. Gaines moved that the senate concur in the amendment by striking the fifth line of the seventh section, and throughout the same where they occur, the words “thirty-third” inserting in lieu thereof the words “thirty-fifth.” And the question being taken thereon, it passed in the negative.

Mr. Garth moved that the senate recede from the amendment made to the ninth section of said bill. And the question being taken thereon, it passed in negative.

On motion of Mr. Davis said bill with the amendments was ordered to lie on the table.

Mr. Lucas moved that senate concur in the amendment of the House of Representatives to the amendment of the senate, to the 2nd section of the bill entitled an act to repeal in part and amend the act, the proceedings in the courts of law and equity in this state, by striking out the word “twenty” and inserting “five.” And the question being taken thereupon, it passed in the affirmative.

Ordered, that the secretary acquaint the House of Representatives thereof.

According to the order of the day the senate resolved itself into a committee of the whole on a resolution appointing persons to examine the navigation of Tuskaloosa river, Mr. Rose in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. rose report that the committee of the whole had, according to order, had said resolution under consideration and had directed him to report the same with sundry amendments.

On motion of Mr. Casey said amendments were severally read and concurred in. Ordered, that said resolution as amended by read a third time on to morrow.

A bill to be entitled an act to amend the militia laws of this state, was ordered to lie on the table.

According to the order of the day the senate resolved itself into a committee of the whole on a bill to be entitled an act to amend an act entitled an act to provide for assessing and collecting the taxes and for taking the census of this state passed at the second session of the General assembly 22d Dec. 1820, Mr. Casey in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration, and had made some progress, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was refused.

On motion of Mr. Elliott said bill was referred to a select committee. Whereupon Messrs. Elliott, Casey and Davis, were appointed.

According to order the senate resolved itself into a committee of the whole on a bill to be entitled an act explanatory of the law concerning stay of executions and fees of certain officers therein named. Mr. chambers in the chair, and after sometime spent therein the committee rose. Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had, according to order, had said bill under consideration and had made sundry amendments thereof.

Mr. Chambers moved that the senate disagree to the first amendment proposed by the committee of the whole in filling the first blank in said bill with the word sixty. And the question being taken thereon, it passed in the affirmative.

Mr. Garth moved that the senate disagree to the report of the committee proposing to amend said bill by inserting these words "all sums "over twenty dollars and not exceeding fifty, one hundred days," And the question being taken thereon, it passed in the affirmative.

On motion the senate concurred in the amendments of the committee of the whole to said bill.

Mr. Rose moved to amend said bill by inserting the words "on all "sums not exceeding fifty dollars, one hundred and twenty days." And the question being taken thereupon, it passed in the affirmative.

Mr. Garth moved to strike out the two last lines of the second section, which reads in these words "for keeping each horse, mare, geld- "ing, or mule, levied on cents per day; for keeping each cow, "hog, or sheep, levied on cents per day." And the question being taken thereon, it passed in the affirmative.

Mr. Elliott moved to amend said bill by adding the following section, to wit. Sec. 3. "And be it further enacted, that the citizens "and inhabitants of the counties of Mobile and Bladwin shall be ex- "cluded from the operation of this act."

And on the question being taken thereupon, it was passed in the affirmative.

On motion ordered that said bill as amended be engrossed, and read a third time on to morrow.

On motion of the senate adjourned until eight o'clock to morrow morning.

THURSDAY, June 14, 1821.

The Senate met pursuant to adjournment.

Mr. Chambers moved the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the senate with the concurrence of the House of Representatives, will adjourn sine die on this day. Which was read the first time; and on motion of Mr. Chambers the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said resolution was read a second time forthwith.

On motion said resolution was ordered to lie on the table.

Mr. Rose moved the adoption of the following resolution:

Resolved, that the senate with the concurrence of the House of Representatives, will convene in their chamber this day at 3 o'clock, in order to elect the Judges of the several county courts in this state. Which was read, and on motion, Ordered to lie on the table.

Mr. Elliott from the select committee to whom was referred the bill to be entitled an act to provide for assessing and collecting the taxes and taking the census of this State, passed at the second session of the General Assembly, on the 22d December, 1820, and for other purposes, reported the same without amendment.

On motion of Mr. Rose, the bill entitled an act supplementary to an act to organize the militia of this State, passed at Cahawba, December 2d, 1820, and for other purposes, was taken up with the amendments, and the question on receding from the amendment to said bill by adding the 9th section was reconsidered.

On motion of Mr. Rose, the Senate then receded from their amendment to said bill by adding the 9th section.

Ordered that the Secretary acquaint the House of Representatives thereof.

On motion of Mr. Casey the senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend an act entitled an act to provide for assessing and collecting the taxes and for taking the census of this State, passed at the second session of the General Assembly, on the 22d day of December, 1820, Mr. Terrell in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Terrell reported that the committee of the whole had according to order had said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in .

Ordered that the amendments be engrossed and that said bil as amended by read a third time to day.

A message from the House of Representatives by Mr. Morton.

Mr. President:– The House of Representatives have passed the bill entitled an act to reduce the expences of the General Assembly, and have amended the same by striking out the word "five" where it occurs in the first section of the bill, and insert "six," by striking out the word "three" wherever it occurs in the same section, and inserting "four" in the place thereof, by striking out the word "three' wherever it occurs in the second section, and inserting "four" by striking out these words, after the word "day" in the fifth line of the 2d section, "this act shall embrace the present General Assembly." And by striking out the whole of the third section, to which they desire the concurrence of the senate.

Mr. Casey moved that the senate concur in the first amendment proposed to said bill by striking out the word "five" and inserting the word "six" and the question being taken thereon it passed in the affirmative.

Mr. Casey moved that the senate concur in the second amendment proposed by striking out the word “three” and inserting the word “four.”

And the question being taken thereon the yeas and nays being called for, it was decided in the affirmative, ayes 10, nays 7.

Those who voted in the affirmative, are Messrs .President, Casey, Davis, Devereux, Elliott, Gaines, Lucas, Ringgold, Rose, and Trotter.

Those who voted in the negative are Messrs, Conner, Chambers, Dennis, Hanby, Hogg, Terrel and Ware.

Mr. Casey moved that the senate disagree to the amendment propsed by the House of Representatives in striking out the third section of said bill.

And the question being taken thereon, the ayes and nays being called for, it was decided in the negative, ayes 5, noes 13.

Those who voted in the affirmative, are Messrs. President, Casey, Davis, Ringgold and Trotter.

Those who voted in the negative are
Messrs. Conner, Chambers, Dennis, Devereux, Elliott, Gause, Gaines, Hanby, Hogg, Lucas, Rose, Terrel and Ware.

On motion, the senate concurred in the other amendment to said bills to the 2d section in striking out certain words, to wit: “This act shall embrace the present session of the General Assembly.”

Mr. Casey from the committee on enrolled bills, reported, that the committee had examined the following bills, and found the same duly enrolled to wit:

An act to authorize executors, administrators and guardians to relinquish lands, under the act of Congress, passed the 2d March, 1821.

An act to change the name of the town of Ococoposa, and for other purposes.

An act to amend an act entitled an act to establish a bank in the town of Mobile, passed at St. Stephens the 20th of November, 1818, and

An act to authorize the Comptroller to make arrangement with Leven Powell to secure a certain sum of money therein named.

An engrossed bill concerning stay laws and officers fees, was read the third time, and the question being put, shall the bill pass, the ayes and noes being called for, it passed in the affirmative, ayes 15, noes 3.

Those who voted in the affirmative are Messrs. President, Casey, Conner, Chambers, Davis, Dennis, Devereux, Gaines, Hanby, Hogg, Lucas, Rose, Terrell, Trotter and Ware.

Those who voted in the negative are Messrs. Elliott, Gause, and Ringgold.

Ordered, that the title of said bill be, and act concerning stay laws and officers fees; and that the secretary acquaint the House of Representatives thereof.

A message from the House of Representatives by Mr. Benson:

Mr. President– The House of Representatives have passed the bill to be entitled an act for the relief of master builders and mechanics of the city of Mobile in the state of Alabama, and have amended the same as follows : by striking out the words in the 5th line of the first section

to wit: “city of Mobile” and inserted the words “state of Alabama; by striking out in the 8th line of the same section, these words “an exclusive privilege or,”and inserted in lieu the letter “a;” by striking out in the 3d line of the 3d section the words “of Mobile” and inserted the words “where the contract shall be made.” They have amended the title by striking out the words “the city of Mobile.”

On motion said amendments were concurred in by the Senate.

Ordered, that the secretary acquaint the House of Representatives thereof.

A bill from the House of Representatives to be entitled an act to fix the permanent seat of Justice in the county of St. Clair was read the first time. Mr. Conner moved, that the rule which requires all bills to be read on three several days, be dispensed with, and that said bill be read a second time forthwith. Said bill was then read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled an act to authorize the collecting of toll at Cahawba bridge, was read the first time. Mr. Casey moved, that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read the second time forthwith. Said bill was then read the second time. Mr. Casey moved that the rule which requires all bills to be read on three several days be again dispensed with and that said bill be read the third time forthwith. Said bill was then read the third time and passed.

A bill to be entitled an act to incorporate the worshipful grand Lodge of Ancient Free Masons of Alabama and its masonic institutions was read the first time. On motion of Mr. chambers the rule which requires all bills to be read on three several days was dispensed with, and said bill was then read the second time. Mr. Chambers moved to amend the title of sad bill by inserting between the words ‘the,’ and “worshipful” the word “most,” Mr. Chambers moved, that the rule which requires all bills to be read on three several days be dispensed with and that said bill as amended be read the third time and passed. Said bill was then read the third time and passed. Ordered, that the secretary acquaint the House of Representatives thereof.

A memorial to the Congress of the United States from the House of Representatives, relative to the District Courts in this state and the Fortifications on Dauphin Island, with a resolution annexed, was read the first time. Mr. Elliott moved that the rule which requires all bills, joint resolutions and memorials to be read on three several days be dispensed with, and that said memorial with the resolution annexed be read the second time forthwith. Mr. Elliott proposed as an amendment to the memorial in the 48th line thereof ; which was read and adopted. Mr. Elliott moved that the rule which requires all bills, joint resolutions and memorials to be read on three several days be dispensed with and that said memorial and resolution as amended be read the third time forthwith.

Said memorial and resolution was then read the third time and passed.

A resolution for the payment of William Terry, was read the first time.

Mr. Garth moved that the rule which requires all bills and joint resolutions to be read on three several days be dispensed with and that said resolution be read a second time forthwith.

Said resolution was then read a second time, and

On motion, committed to a committee of the whole and made the order of the day in the afternoon.

A resolution relating the county of Montgomery was read a second time.

On motion of Mr. Gause said resolution was ordered to be read a third time on to morrow.

The senate resumed the consideration of the bill to be entitled an act to amend an act to provide for assessing and collecting the taxes and taking the cessus of this state, passed 22d December, 1820.

Mr. Chambers moved to amend said bill by adding the two following sections, to wit:

Sec. 22. And be it further enacted, That all monies arising from the rent of the ferries within the town of Cahawba, and of the reserved lands adjacent to said town which are not due, or which may become due on or before the first day of February next, and which are not otherwise appropriated, be and the same are hereby vested in the Town Council of Cahawba, to be applied in defraying the expenses of the Cahawba Bridge, and in completing the same.

Sec. 23. And be it further enacted, That said Town Council are hereby required to account to the legislature, exhibiting how much they have received of the above monies, and how applied.

Which were read, and the question being taken on the adoption of the same, the ayes and nays being called for it passed in the affirmative, ayes 9, nays 8.

Those who voted in the affirmative, are, Messrs. Casey, Conner, Chambers, Dennis, Elliott, Gause, Gaines, Ringgold, and Trotter.

Those who voted in the negative, are Messrs. President, Davis, Devereux, Garth, Hanby, Hogg, Lucas, Rose, and Terrell.

Mr. Terrell moved to amend said bill by adding the following additional sections, to wit:

Sec. 24. And be it further enacted, That no bank bills shall be received in the treasury of this state from the tax collectors thereof, be such as are required by law to be collected from the people in the payment of taxes.

Which amendment was read and adopted.

Said bill as amended was then read the third time and passed.

Ordered that the Secretary acquaint the house of Representatives thereof.

A message from the House of Representatives, by Mr. Shackleford.

Mr. President, the House of Representatives, insist on their amendments to the bill entitled an act to reduce the expenses of the

General Assembly and for other purposes in striking out the third section of said bill.

Mr. Chambers moved that the senate adhere to their amendment to said bill in striking out the third section.

And the question being taken thereon the ayes and nays being called for, it was decided in the affirmative, ayes, 13, nays 5.

Those who voted in the affirmative, are Messrs. President, Conner Chambers, Dennis, Devereux, Gause, Gaines, Hanby, Hogg, Lucas, Rose, Terrell and Ware.

Those who voted in the negative, are Messrs. Casey, Davis, Elliott, Ringgold, and Trotter.

Ordered, that the Secretary acquaint the House of Representatives thereof.

A message from the House of Representatives by Mr. Weedon.

Mr. President, the House of Representatives have passed a bill to be entitled an act amendatory of the laws now in force for the relief of insolvent debtors, and have amended the same by striking out the words in the first section and 3d and 4th lines from the top of the second page, “two Justices,” and inserted “any Judge,”

They have further amended the same by adding two additional sections, to come in at the end of the third section.

Which amendments were severally read and concurred in by the Senate. Ordered, That the Secretary acquaint the House of Representatives thereof.

A message from the House of Representatives by Mr. Morton.

Mr. President:– The House of Representatives, have adopted the following resolution, to wit:

Resolved, That the House of Representatives, will be ready at the hour at half past seven o’clock this evening to receive the senate, for the purpose of proceeding to the election of Judges for the county courts, and that the senate be invited to attend in the Representative Hall at that hour for the aforesaid purpose.

On motion the senate concurred in the said resolution.

Ordered that the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act imposing a tax on non-resident and transient persons importing goods, wares and merchandize into the city of Mobile and town of Blakeley, was read the first time, and Mr. Elliott moved, that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read the second time forthwith. Said bill was ten read a second time.

On motion, Ordered, that said bill be read a third time on to-morrow.

A bill to be entitled an act to amend an act passed at Huntsville, 1819, regulating the admission and practice of Attornies and Councillors at law, was read the first time.

Mr. Elliott moved that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read a second time forthwith. Said bill was then read a second time.

Mr. Elliot moved that the rule which requires all bills to be read on three several days be again dispensed with and that said bill be read the third time forthwith.

Said bill was then read the third time and passed.

A message from the House of Representatives, by Mr. Leake.

Mr. President:– The House of Representatives recede from their disagreement to the amendment made by the Senate to the bill to be entitled ana ct supplementary to an act entitled an act to organize the militia of this state, in striking out the third section of said bill, and inserting another section in lieu of the same.

Resolution extending the time of payment of a certain sum of money due this state by John M. Taylor, was read the first time.

On motion of Mr. Chambers the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said resolution was read the second time. On motion, Ordered that said resolution be committed to a committee of the whole, and made the order of the day on to-morrow.

A message from the Governor, by Thomas A. Rogers, esq. Secretary of State.

Mr. President and Gentlemen of the Senate:– I am instructed by the acting Governor to inform you, that he did on the 13th inst. approve and sign.

An act authorizing licensed ministers of the Gospel to solemnize the rites of matrimony: an act amendatory of certain acts, and to establish certain election precincts therein named.

And on the 14th inst. an act to change the name of the town of Cocopos, and for other purposes. And then he withdrew.

A bill to be entitled an act to amend an act, passed at Huntsville Dec. 14, 1819, entitled an act to establish a public road therein named. was read the first time.

On motion of Mr. Hogg said bill was ordered to be read a second time on to-morrow.

Mr. Elliott moved, that the rule which requires one days previous notice to be given before the introduction of a bill be dispensed with and that he have leave now to introduce a bill to be entitled an act to alter the terms of the Supreme Court of the State of Alabama.

The rule was dispensed with and leave granted. Said bill was read the first time.

Mr. Elliott again moved, that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time. And on motion, Ordered, to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to incorporate the town of Hazlegreen was read the first time. Mr. Elliott moved that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read a second time forthwith. Said bill was then read a second time and on motion ordered to be read the third time on to-morrow.

A bill to be entitled an act to repeal part of an act therein named and for other purposes was read the first time. Mr. Elliott moved that the rule which requires all bills to be read on three several days be dispensed with and that said bill be read the second time forthwith. Said bill was then read the second time, and on motion ordered to be read the third time on to-morrow.

According to the order of the day, the senate resolved itself in to a committee of the whole, on a resolution to make provision for the payment of William Terry, Mr. Gause in the chair, and after some time spent therein the committee rose. Mr. President resumed the chair, and Mr. Gause reported, that the committee of the whole had according to order had said resolution under consideration and had directed him to report the same without amendment ; which report was concurred in by the senate. Mr. Garth moved, that the rule which requires all bills and joint resolutions to be read on three several days be dispensed with and that the said resolution be read the third time forthwith. Said resolution was then read the third time and passed. Ordered that the secretary acquaint the House of Representatives thereof.

A message from the House of Representatives, by Mr. M'Vay.

Mr. President– The House of Representatives concur in the amendment made by the Senate to the memorial to the Congress of the United States.

The Senate adjourned until 7 o'clock, P.M.

Seven o'clock P.M.

The senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Morton:

Mr. President– The House of Representatives are ready to receive you in their chamber for the purpose of going into the election of Judges of the County Court.

Whereupon the members of the senate repaired to the representative chamber, and having taken the seats assigned them, Mr. Speaker arose and declared the object of the meeting; when both houses proceeded to elect a Judge of the county court of the county of Mobile: Hugh H. Rolston being in nomination, all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of Baldwin county, Thomas Heald in nomination. All the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of Clarke county, John G. Creigh in nomination. All the members present voting form him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of the county of Washington, Francis H. Gaines in nomination. All the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the coun-

ty court for Monroe county, Nathaniel Dodson in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of Conecuh county, Samuel Bennet in nomination; al the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Henry, William Watson in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Butler, William Lee in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Wilcox county, Reuben Hill in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Marengo. Shelby Cargine in nomination; all the members present voting for him he was announced duly elected.

Both houses then proceeded to the election of Judge of the county court for the county of Greene, William Murfree in nomination; all the members present voting for him he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Perry, Edwin D. King in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of Dallas count, Jesse Beene in nomination; all the members present voting form him, he was announced duly elected.

Both houses then proceeded to the election of Judge of the county court of Autauga county, John Ashley, in nomination ; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county being in nomination.

Those who voted for Mr. Bibb, are,

Messrs Davis, Deveraux, Trotter, Abercrombie, Armstrong of Mobile, Armstrong of Conecuh, Bigham, Chambers, Cleveland, Clay, Cook, Dale, Davis, Edmundson, Holderness, Leake, M'Kinley, Moore of Madison, Morton, M'Vay, Rather, Shackleford, Smoot, Taggert, Vining, Walker and Weedon.

Those who voted for Mr. Benson are,

Messrs President, Chambers, Dennis, Elliott, Farmer, Garth, Gaines, Gause, Hanby, Hogg, Lucas, Ringgold, Rose, Terrell, Ware, (Rep.) Mr. Speaker, Benson Bailey, Isaac Brown, John Brown, Col. John Brown, Creagh, Coats, Coleman, Draughon, Fitzpatrick of Montgomery, Fitzpatrick of Autauga, Hill, Jackson, Murphy, Murrell, M'Means, Moore of Marion, Perry, Perkins, Skinner, and Sargent.

Whereupon Mr. Benson having a majority, was duly elected.

Both house then proceeded to the election of a Judge of the county courts for the county of Bibb, Andrew Mr. Lusk in nomination all the members present voting for him he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Shelby, Thomas W. smith in nomination, all the embers present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of the county of St. Clair, Polydore Naylor in nomination, all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Tuscaloosa county, Hume R. Field in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Blount county, William B. Wallace in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Jefferson, Thomas W. Farrar in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Cotaco county, Robert Tapscot in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Franklin county, John S. Fulton in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Marion, George White and William Metcalfe being in nomination.

Those who voted for Mr. White are Messrs Davis, (Senator) (of the Representatives) Mr. Speaker, Abercrombie, Armstrong of Mobile, Benson, Clay, Coats, Draughon, Davis, Edmundson, Fitzpatrick of Montgomery, Fitzpatrick of Autauga, Hill, Holderness, Leak, M'Kinley, Moore of Madison, Moore of Marion, Morton, Perry, Perkins, Rather, Skinner, Shackleford, Smoot, Vining, Walker and Weedon.

Those who voted for Mr. Metcalf are (of Senators) Messrs. President, Casey, Chambers, Dennis, Devereux, Elliott, Farmer, Garth, Gaines, Hanby, Hogg, Lucas, Ringgold, Gause, Rose, Terrell, Trotter, Ware, (of the Representatives) Armstrong of Conecuh, Bigham, Bailey, Isaac Brown, John Brown, Chambers, Chapman, Cleveland, Creagh, Cook, Coleman, Duke, Jackson, Murphy, Murrell, Mcmeans, M'Vay, Skinner, Sargent and Taggert, 38.

Mr. Metcalfe having a majority was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Pickens County, Francis Flournoy in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of Lawrence county, John Moseley in nomination, all the members present voting form him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for the county of Lauderdale, William S. Fulton in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of Judge of the county court for Limestone county, Nicholas Davis in nomination; all the members present voting for him, he was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court for Madison county, Samuel Chapman and henry Minor in nomination:

Those who voted for Mr. Chapman are (of Senators) Messrs. President, Dennis, Devereux, Farmer, Gause, Gaines, Ringgold, Rose, and Ware. (of Representatives,) Mr. Speaker Armstrong of Mobile, Armstrong of Conecuh, Bigham, Benson, Bailey, Isaac Brown, John Brown, Col. John Brown, Chambers, Clay, Creagh, Cook, Coleman, Darughon, Dale, Davis, Fitzpatrick of Montgomery, Fitzpatrick of Autauga, Holderness, M'Kinley, Murphy, Murrell, M'means, Moore, of Marion, M'Vay, Perry, Rather, Skinner, Shackleford, Sargent, Smoot, and Tagert, 43.

Those who voted for Mr. Minor, are (of Senators,) Messrs. chambers, Davis, Hogg, Lucas, Terrell, (of Representatives) Abercrombie, Cleveland, Coats, Edmundson, Leake, Moore of Madison, Perkins, Vining and Walker, 15.

Mr. Chapman having majority was announced duly elected.

Both houses then proceeded to the election of a Judge of the county court of Jackson county, James Russell, Sen. and William Barclay being in nomination;

Those who voted for Mr. Russell are (of Senators) Messer. Casey, Chambers, Dennis, Elliott, Farmer, Gause, Gaines, Hanby, Hogg, Lucas, Rose, Terrell. (Representatives,) Mr. Speaker, Benson, Bailey, John Brown, Chambers, Chapman, Creagh, Coleman, Draughon, Davis, Fitzpatrick of Montgomery, Fitzpatrick, of Autauga, Hill, Jackson, Murphy, Murrell, Skinner, Sargent, Taggart and Vining. 33.

Those who voted for Mr. Barkclay, are, Mr. President, Davis, Devereux, Garth, Ringgold, Ware, Abercrombie, Armstrong of Mobile, Armstrong of Conecuh, Bigham, Isaac Brown, Cleveland, Clay, Cook, Coats, Dale, Edmondson, Holderness, Leake, M'Kinley, Moore of Madison, Morton, M'Means, Moore of Marion, Perry, Perkins, Rather, Shackleford, Walker and Weedon.

Mr. Russel having a majority was announced duly elected.

The senate then repaired to their chamber, and on motion adjourned until 9 o'clock, to morrow morning.

FRIDAY, June 13.

The senate met pursuant to adjournment.

Mr. Elliott from the committee of conference, on the part of the senate appointed to confer with the committee on the part of the House of Representatives, upon the subject matter of the disagreement between both houses, in relation to the bill of the senate providing for the apportionment of Representatives, in the several counties in this state: Reported that they met on this morning, the committee appointed by the House of Representatives, to act on the above subject, and according to established usage, requested the said committee to furnish them with the written reasons, which influenced the House of representatives in the course they had taken, and received for answer, from the said committee that they could not furnish them written reasons to the committee from the senate, without authority from the House of Representatives, which they would endeavor to obtain at an early period.

The senate resumed the consideration of the amendments, disagreed to by the House of Representatives, to the bill to be entitled an act to provide for assessing and collecting the taxes and for taking the census of this stat, passed at the second session of the General Assembly, 1820.

On motion of Mr. Ringgold, the Senate receded from the amendments made to said bill by striking out in the second line of the first section & wherever they may occur the words “chief Justice” and inserting “Judge”: and by striking out at the end of the 2d line of the second section, the word “December,” inserting in lieu thereof the word, “November.”

On motion of Mr. Rose, the senate receded form the amendments to said bill by adding he 22nd and 23d sections.

Ordered, that the secretary acquaint the House of Representatives, thereof.

A Message from the House of Representatives by Mr. Isaac Brown: Mr. President, the House of Representatives have disagreed in the last resolution added to the resolution which originate din the House, appointing persons to examine Tuskaloosa river.

On motion the senate receded form said amendment.

Mr. Dennis moved that the bill entitled an act concerning persons residing on university lands and who have not rented the same, and for other purposes, be postponed until the first Monday in November next. And on the question being taken thereon, it was decided in the negative.

The senate resumed the consideration of the bill to be entitled an act authorizing the collection of Toll at the Cahawba Bridge.

Mr. Casey moved to amend said bill by way or rider, by adding the two following sections, to wit:

Sec. 4. And be it further enacted, That all monies arising from the rent of the ferries within the town of Cahawba, and of the reserved lands adjacent to said town which are now due or which may come due on or before the first day of February next, and which are not other wise appropriated, be and the same are hereby vested in

the town council of Cahawba, to be applied in defraying the expences of building the Cahawba Bridge, and in completing the same.

Sec. 5. And be it further enacted, That the said Town Council are hereby required to account to the Legislature exhibiting how much they may have received of the above monies, and ow applied, which were severally read and adopted. Said bill as amended, was read the third time and passed. Ordered, that the secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to fix the permanent seat of Justice in the County of St. Clair, was read a second time. On motion of Mr. Casey, said bill was amended by striking out that part which relates to perry county. On motion of Mr. Conner, the rule which requires all bills to be read on three several days was dispensed with, and said bill as amended was read the third time and passed.

Ordered, that the title of said bill be an act to fix the permanent seat of Justice in the county of st. Clair.

A bill to incorporate the town of Hazlegreen, in the county of Madison, was read a third time and passed.

A bill to be entitled an act imposing a tax on non-resident and transient persons, importing goods, wares or merchandize in the city of Mobile and town of Blakeley, was read the third time and passed. Ordered, that the title of sad bill be an act imposing a tax on non-resident and transient persons importing goods, wares or merchandize, in the city of Mobile and town of Blakeley. Ordered, That the secretary acquaint the House of Representatives thereof.

A message from the House of Representatives by Mr. Moore of Madison.

Mr. President– The House of Representatives have discharged the committee of conference appointed on their part to confer with the committee appointed on the part of the Senate on the differences existing between the two houses on the bill entitled an act to apportion the representatives among the several counties of this state according to the return of the late census from the further consideration of the same.

A bill to be entitled an act concerning persons residing on university lands and who have not rented the same and for other purposes was read the first time, and ordered to be read a second tome on tomorrow.

A resolution concerning Montgomery county, was read the third time and passed.

A bill to be entitled an act to amend an act passed at Huntsville, December 16th, 1819, to establish a public road therein named, and read a second time.

Mr. Lucas moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read the third time forthwith. Said bill was then read the third time and passed.

An engrossed bill to be entitled an act to alter the terms of the supreme Court was read the third time.

And on the question being put, shall this bill pass, the ayes, and noes being called for it passed in the negative, ayes 7, noes 11.

Those who voted in the affirmative, are Messrs. President, Chambers, Davis, Elliott, Garth, Trotter, and Ware.

those who voted in the negative are Messrs, Casey, Dennis, devereux, Gause, Gaines, Hanby, Hogg, Lucas, Ringgold, Rose and Terrel.

On motion of Mr. Elliott the committee of conference on the part of the senate to confer with the committee on the part of the House of Representatives on the differences between both branches of the General Assembly on the subject of apportionment were discharged from further consideration thereof.

According to the order of the day the senate resolved itself into a committee of the whole on a resolution extending the time of payment of a certain sum of money due this state by John M. Taylor, Mr. Garth in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Garth reported that the committee of the whole had according to order, had said resolution under consideration, and had directed him to report the same without amendment, which reported was concurred in by the senate.

Mr. Chambers moved to amend said resolution by adding the following to wit:

And be it further Resolved, That should the said John M. Taylor fail to pay the first or second payment as required by the foregoing resolution, he shall forfeit all the benefits from the same. Which was read and adopted.

Mr. Elliott moved to amend said resolution by adding the following proviso, to wit:

Provided, however, that the said John Mr. Taylor shall not receive a credit for the sum of two thousand dollars due from Levin Powell as mentioned in the resolution unless the state shall receive and collect said amount from said Powell. Which was adopted by the senate.

Said resolution as amended was then read the third time and passed. Ordered, that the Secretary acquaint the House of Representatives thereof.

A message from His Excellency the acting Governor, by Thomas A. Rogers, Secretary of State.

Mr. President and Gentlemen of the Senate:– I am instructed by the acting Governor, to inform you that he has on this day approved and signed.

An act for the relief of Master builders and Mechanics of the state of Alabama: An act to reduce the expenses of the General Assembly, and for other purposes, and an act amendatory of the laws now in force for the relief of insolvent debtors. I am also instructed to inform you that Nicholas Davis, elected judge for the county of Limestone declines accepting the appointment.

A message from the House of Representatives by Mr. M'Vay.

Mr. President– The House of Representatives agree to the amend-

ments made by the senate to the resolution extending the time of payment of a certain sum of money due the state by John M. Taylor.

Message from th House of Representatives by Mr. Morton.

Mr. President– The House of Representatives have passed the Resolution fixing the time of adjourning the present General Assembly, and have amended the same by striking out the words Wednesday next and inserting Saturday the 16th instant. On motion of Mr. Chambers the amendment was concurred in.

Message from the House of Representatives by Mr. Morton:

Mr. President– The House of Representatives have passed a bill to be entitled an act to provide for the payment of costs in certain cases, and have amended the same by striking out the word County wherever it occurs and inserting the word State. They have amended the same bill by striking out the 4th section. On motion of Mr. Elliott the senate disagreed to said amendments. Ordered that the secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to repeal a part of an act therein named and for other purposes, was read a third time and passed.

Mr. Gause from the committee on enrolled bills reported that the committee had examined the following bills and found the same duly enrolled. An act to reduce the expenses of the General Assembly and for other purposes; an act amendatory of the laws now in force for the relief of insolvent debtors; an act for the relief of master builders and mechanics of the state of Alabama; an act to amend an act entitled an act to amend an act to alter and amend laws regulating the admission and practice of counsellors and attornies at law: A resolution to extend relief to William Terry for certain services rendered to the state of Alabama as engineer.

On motion of Mr. Ringgold, the rule that requires one day's previous notice was dispensed with, and leave was granted him, to introduces a resolution allowing representatives to certain counties therein named, which was read the first time and ordered to be read a second time on to-morrow.

A bill to entitled an act for the relief of John M. Flinn was read the first time, and on motion of Mr. Garth, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time. On motion of Mr .Chambers, the rule which requires all bills to be read the third time and passed. Ordered that the secretary acquaint the House of Representatives thereof.

On motion of Mr. Terrell, the following resolution was adopted.

Resolved, that whereas his Excellency the acting Governor has convened the general Assembly of this state, and presented for consideration the apportionment of both branches of the Legislature, under the census ordered to be taken in 1819 ; and whereas a disagreement of opinion in relation to the just construction of the constitution as applied to this question has constantly prevailed between the two houses. Therefore to spread upon the Journals of this house the reasons by

which it was influenced on this subject, is deemed to be justly due to the senate and to the people of the state of Alabama: It is therefore, Resolved by the senate of Alabama, that a committee of five members be appointed, whose duty it shall be to draft and report to this hose the reasons by which it was influenced on the subject of apportioning the two branches of the General assembly. and that such report with the concurrence of the senate, be placed on its Journals; whereupon Messrs. Terrell, Casey, Elliott, Rose, and Chambers were appointed.

Message from the House of Representatives by Mr. Morton.

Mr. President– The House of Representatives are ready to receive the senate in their chamber for the purpose of electing a Judge for the county of Limestone.

On motion of Mr. Chambers, the senate repaired to the Reprsentative hall and having taken their seats the Speaker rose and declared the object of their meeting, when both houses proceeded to the election of a Judge for the county of Limestone, Daniel Coleman being nominated and all the members present voting for him, he was declared duly elected. The senate then repaired to the Senate chamber, and

On motion, adjourned until 8 o'clock to-morrow morning.

SATURDAY, June 16, 1821.

The senate met pursuant to adjournment.

A bill to be entitled an act concerning persons residing on the University lands, and who have not rented the same, and for other purposes was read the second tome. On motion of Mr. Ringgold the senate resolved itself into a committee of the whole, on the bill to be entitled an act concerning persons residing on the University lands and who have not rented the same, and for other purposes, Mr. Elliott in the chair, and after spending some time therein, the committee rose, Mr. President resumed the chair, and Mr. Elliott reported that the committee of the whole had according to order had said bill under consideration and had directed him to report the same as amended. On motion of Mr. Elliott, the senate concurred with the committee of the whole in striking out the third and fourth sections of said bill. On motion of Mr. Casey, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a third time and passed. Ordered that the secretary acquaint the House of Representatives thereof.

Message from the House of Representatives by Mr. Tagert.

Mr. President —— The House of Representatives have receded from the amendments made to the bill to be entitled an act to apportion the Representatives among the several counties of this state according to the returns of the late census, which originated in the senate.

Mr. Casey from the committee of enrolled bills, reported, that the committee had examined the following bills and found the same duly enrolled; an act to incorporate the town of Hazlegreen, in the county of Madison; an act to incorporate the most worshipful grand lodge of ancient free masons of Alabama and its masonic institution; an act to fix the permanent seat of justice in the county of St. Clair; an act

to apportion the representatives among the several counties of this state according to the returns of the late census; an act for the relief of John M. Flinn ; an act to amend an act entitled an act to provide for assessing and collections of taxes and for taking the census of the sate, passed at the second session of the General Assembly, on the 22d day of December, 1820, and for other purposes; an act concerning the Cotaco bridge ; an act to repeal part of an act therein named and for other purposes ; an act to amend an act passed at Huntsville, Dec. 16th 1819, entitled an act to establish a public road therein named ; resoltion extending the time of payment of a certain sum of money due this state by John M. Taylor ; an act authorizing the collection of toll at the Cahawba bridge; resolution appointing persons to examine the Tuskaloosa and Buttahatchee rivers ; an act to alter and amend the militia laws of this state; an act imposing a tax on non-residents and transient persons, making the sale of goods, wares and merchandize in this state; memorial to the congress of the Unites States.

Message from the House of Representatives by Mr. Perry:

Mr. President– The House of Representatives have passed a resolution concerning the printing of the Journal and laws of the present General Assembly and for other purposes, and a bill to be entitled an act supplementary to an act making appropriations for the year 1821. Which bill was read the first time. On motion of Mr. Casey the rule which requires all bills to be read on three several days, was dispensed with, and the said bill was read a second time. Mr. Davis moved to amend said bill by adding the following. Provided, that it shall be the duty of the Public Printer, to complete the Journals and Laws of the present session within 20 days after the adjournment of the present session. And the question being taken thereon, it passed in the affirmative.

Mr. Gause moved to amend said bill, by adding the following section.

Be it further enacted, That the Secretary of State be allowed the sum of one hundred dollars for his services in copying the laws of the present General Assembly, and the question being taken thereon, it passed in the affirmative.

Mr. Ringgold moved to amend said bill by adding the following amendment.

And be it further enacted, That the sum of four dollars and fifty cents be appropriated to the payment of Nathan Sargent, for paper, quills, and inkstands, that the sum of three dollars and seventy-five cents be appropriated to the payment of Doct. Gantt, for six dozen ink phials, that the sum of seven dollars and fifty cents be appropriated to the payment of Joseph Camp for six dozen wood stands, that the sum of two dollars be appropriated to the payment of Wilson for fixing six dozen phials in stands, furnished at the last session of the General Assembly, and the question being taken on said amendment, it passed in the affirmative.

Mr. Casey moved to amend said bill by adding these words. That ten dollars be appropriated for a table for the Secretary of the Senate.

On motion of Mr. Casey the rule which requires all bills to be read

on three several days was dispensed with, and said bill as amended was read a third time and passed. Ordered that the Secretary acquaint the House of Representatives thereof.

A message from the House of Representatives, by Mr. Rather.

Mr. President, the House of Representatives, concur in the amendments made by your honorable body, in a bill entitled an act supplementary to the act making appropriations for the year, 1821.

Resolution concerning the printing of the Journals and laws of the present General assembly was read the firs time, and on motion of Mr. Casey the rule which require all bills and joint resolutions to be read on three several days was dispensed with, and the said resolution was read a second time.

Mr. Casey moved to amend said resolution by striking out in the fourth line the words as prescribed by law and the question being taken thereon it passed in the affirmative.

On motion of Mr. Casey the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said resolution as amended was read a third time and passed. Ordered, that the Secretary acquaint the House of Representatives thereof.

Mr. Gause moved the following resolution which was adopted.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that a committee on the part of the senate be appointed to associate with such committee as may be appointed on the part of the House of Representatives whose duty it shall be to wait on his excellency the acting Governor, and inform him that if he has nay other communications to make, the General Assembly are ready to receive them. Whereupon, Messrs. Gause, Terrel and Trotter were appointed a committee on the part of the senate. Ordered, That the Secretary acquaint the House of Representatives thereof.

Message from the House of Representatives by Mr. Perry. Mr. President —— The House of Representatives concur in the resolution appointing a committee to wait on his excellency the acting Governor, and have appointed Messrs. Weedon, Shackleford, and Perry a committee on their part.

Mr. Gause from the joint committee appointed by both Houses of the General Assembly to wait on his excellency the acting Governor, to inform him that if he had any further communications to make, the General Assembly are ready to receive them, Reported, that the committee had performed their duty, and received for answer that he had further communications to make which will be laid before the General Assembly on Monday next.

On motion the Senate adjourned until 10 o'clock on Monday next.

MONDAY, June 1821.

Mr. Elliott from the select committee, to whim was referred the resolution requiring them to draft and report to this house, the reasons by which the senate were influenced on the subject of apportioning the two branches of the General Assembly, made the following the report, to wit:

report, to wit:

The committee, appointed by the senate, to prepare the reasons which influenced them, in disagreeing to the amendments; made in the House of Representatives, to the bill, which originated in the senate, to be entitled “an act to apportion the Representatives, among the several counties of this state, according to the returns of the late census : respectfully submit to your honorable body, the following statement. That they are constrained by a sense of duty, imperative in its nature, and deducing its origin from the constitution of this state, to resist, the illegal pretensions (as they conceive) of the House of Representatives, in endeavoring to coerce them into the apportionment of their own body. That this constitution was intended by the people of Alabama, as the corner stone of their political edifice, as the ark of their civil and political liberty, in a word, as the foundation of that form of government, which by the wisdom and immutablility of its essential constituent parts, was to establish for them, permanent Justice; to ensure public and private tranquility; to promote the general welfare, and to ensure to them, and their posterity, the inestimable rights of lie, liberty and property — with this constitution then as the guide of their proceedings, your committee can experience but little difficulty in justifying this honorable body, to their constituents and to posterity, for the opposition they made, and the resistance they showed to the proceedings of the House of Representatives, in attempting to effect simultaneously the apportionment of both branches of the General Assembly, in direct opposition, (as they conceive) not only to its important and imperative provisions, but to its letter and spirit.

From an examination of the reasons which are presented by the House of Representatives, and which must necessarily have influenced them, in the amendments they wished to make, to the bill from the senate, to be entitled “an act to apportion the Representatives &c.” Your committee are induced to believe, that the House of representatives, erroneously conceive, that the 8th section of the schedule to the constitution, has alone given rise to the unfortunate difference of opinion, which has existed between the two houses of the General Assembly, in relation to the question of apportionment. That the belief is deduced form the report, made by the committee from the House of Representatives, on the said subject. Your committee are therefore, of the opinion, that if the premises, assumed by the committee of the House of Representatives, as the basis of the argument, should be evidently, shown to be incorrect; the fallacy of conclusions drawn from them, may be easily detected. In examining the term of service of the present senators, the committee have examined such parts of the constitution, as they conceived would throw any light on a subject, avowedly dark and obscure, and have governed themselves by the recognizes and established rules of construction, in relation to such and similar subjects. The 8th section of the schedule provides that “until the first enumeration shall be made, as directed by this constitution, the county of Autauga

shall be entitled to two representatives." and after enumerating the several counties, in this state, and extending to them, representatives in the representative branch, &c. it concludes by declaring "and each county shall be entitled to one senator, who shall serve for one term." The difference and opposite explication or difinition of this word, "term" has given rise, to the unfortunate difference of opinion, which pervades both branches of the General Assembly. According to all correct rules of construction, when a word is sues in composition, the meaning of which is undefined or ambiguous, we are necessarily compelled to resort for true explication, or satisfactory definition of it, to any precedent part of the work, in which the maningg of such word may be more amply defined, or the ambiguity removed. The word term, merely, being used in the eighth section of the schedule, to ascertain its duration, were are, necessarily, compelled to resort to any preceding part of the constitution, in which such word may be amply, and satisfactorily defined. In pursuing this rule, in the present case, the difficulty which presents itself, in relation to the definition of the word term, is obviated, and apparent darkness and obscurity is substituted by the rays of light. The 12th section of the 3d article of the constitution declares that "senators shall be chosen by the qualified electors, for the term of three years: &c. Here, then, is the only place, in the constitution, in which the word term is defined. And the word term, used in the 8th section of the schedule, must evidently, for its explication, have relation to it. If, however, doubt should still attach to the mid of any one, in relation to the correct definition of the word term, used in the 8th section of the schedule, or to the time of the service of the present senators, a recurrence to the 7th section of the schedule, must remove it. this section provides, that the president of the convention shall issue writs of election, directed to the sheriff of the several counties, requiring them to cause an election to be held, for a Governor, Representatives to the Congress of the U. States, members of the General Assembly &c. and the said Governor, and members of the General Assembly, then duly elected shall continue to discharge the duties of their respective offices, for the time prescribed by this constitution, and until their successors shall be duly qualified." According to this provision of the constitution, it is, emphatically and imperatively, declared that the Governor and the members of the General Assembly, elected in pursuance of the writ of election issued by the president of the convention shall, when thus elected, hold their offices during the time prescribed by this constitution, and until their successors shall be duly qualified. A search for a prescribed senatorial term, but for the 12th section of the 3d article, would be vain and fruitless. Can it be necessary to offer any argument to satisfy the clear, intelligent and logical mind, that there is a difference between a prescribed term, and a term, which this the mere creature of construction, or implication. And yet the advocates of the apportionment, of both branches of the General Assembly are compelled, in order to sustain their propo-

sition, to resort to the 8th section of the 3d article, and by the exercise of ingenuity give birth to an implied term.

But, it is urged, that the schedule merely provided for a temporary Legislative body; a body, which is said to be inconsistent with the principles laid down in the 3d article of the constitution. Is this proposition correct? and if correct how is the difficulty to be removed, or obviated! The 9th and 10th sections of the 3d article, are relied upon by the advocates of apportionment, to support this proposition. These sections are relied upon, as the basis of their arguments, on all occasions. Omnipotence is allowed to them — and they are said to control any and all provisions of the constitution, which may conflict with them. A temporary legislative body, only, is formed by the 8th section of the schedule, in their conception. And they attempt to support their proposition, by these words, in the commencement of the 8th section of the schedule, "until the first enumeration shall be made, as directed by this constitution" according to the spirit of the constitution, it must have been the intention of the convention, to continue the duration of the term of service of the present senators for three years. 1st, Because, in the commencement of the 8th section of the schedule, the following words are used "until the first enumeration shall be made as directed by this constitution." What are the directions of the constitution? The 9th section of the 3d article, declares that "the General Assembly, shall at their first meeting, and in the years 1820, 1823, and 1826, and every six years, thereafter, cause an enumeration to be made, of all the inhabitants of the state. Why did the constitution require two enumerations to be made, the one 1819, and the other in the following year? Because it was evidently, the intention of the framers of the constitution, (an intention which they believed they and carried into effect) to make the senatorial term of service, three years. It was their wish, perhaps to apportion both branches of the legislature, at the earliest period, they therefore, required the General Assembly, to cause enumeration i n1819 and 1820. According to the former, the House of Representatives was to be apportioned ; according to the latter, the Senate was to have been apportioned. The framers of the constitution, believing that they had made the senatorial term three years, were satisfied that the first senatorial term would only expire in August, 1822. They, therefore, considered it was of vital importance to the interest of the state, that the second apportionment of Senators (as they held their offices for three years) should be formed from a just, and correct estimate of the population of the state : and therefore, although the constitution required the General Assembly to cause an enumeration in 1819, they also required them to cause a second enumeration in 1820. — Again the first enumeration was to be made, according to the directions of the constitution. The 12th section of the 3d article, declares "that Senators shall be chosen for the term of three years; here in a direction of the constitution.

The 8th section of the schedule declares that each senators shall

serve for one term. This is another direction of the constitution. The 7th section of the schedule also provides, that the Governor and members of the General Assembly, elected in pursuance of the writ of election, issued by the President of the convention, should hold their offices, during the time prescribed by the constitution. Is not this another direction of the constitution? And had not its framers, their eye upon the 12th section of the 3d article? Besides the journals of the convention, evidently, show, that the senatorial term of service, was intended by the framers of the constitution, to be three years. If this were not the case, why were the 9th and 10th section of the 3d article kept separate and distinct? The answer is obvious, because the one related to the house of representatives; the other to the senate —— else, why did the convention in the 8th section of the schedule, make use of the word, term when for its explication recrurence is to be made to the 12th section of the 3d article? but, admit that to establish the senatorial term, at three years, would be to cause the 12th section of the 3d article, to conflict with the 9th and 10th sections of the same article : How would the question then stand? It is an established principle of law, in relation to the construction of statutes, that they must be so construed, that the whole may is possible state. If different statutes, or different sections are so contrary, that the whole cannot statute, the rule is, that the posterior law or posterior section, by implication, repeals so much of the former law, or section as may conflict with it. Then in opposition to the 9th and 10th section of article 3d, it would be proper to array the 12th section of article 3d and 7th and 8th section of the schedule, which three latter sections would certainly operate to repeal the two former sections of article 3d.

The committee of the House of Representatives seem to conceive, that although senators may be chosen for three years, and in fact, admit that they were thus chosen; yet they say, there is a marked distinction between being chosen for a given period and serving for the same period. And that if reference be made to the 12th section of article 3d it will be seen that senators chosen for three years may serve for one year, two years or three years as chance direct. They, further conceive, that these deductions are supported by the 2d section of the same article, which say “the members of the House of Representatives, shall be chosen by the qualified electors, and shall serve for the term of one year. They 13th section of the 3d article, relied upon by the committee of the House of Representatives, to support their position that senators may be chosen for three years and yet be constitutionally authorized to serve but for one year, cannot aid, or avail them because that section, specially, has reference to the apportionment, under the census, ordered to be taken in 1826, and declares “that the senators chosen under the apportionment shall be divided by lot into three classes as nearly equal as may be, and that the seats of the senators of the first class, shall be vacated at the expiration of the first year, those of the 2d class at the expiration of the section year, and

those of the third class, at the expiration of the third year. So that one third may be annually chosen thereafter, and a rotation thereby, kept up, perpetually. This section can only be carried into operation, when the permanent provisions of the constitution can be carried into effect; and cannot apply to the 9th and 10th sections of the 3d article, in such manner, as will support the singular position taken by the House of Representatives, in relation to their distinction between the phrase chosen for three years and serving for three years, or two years or one year, as chance may direct. It cannot be conceded that because a classification is ordered to take place after the apportionment, under the census ordered to be taken in 1826 is made, and the senators are to be divided by lot into three classes, that it could have been the intention of the convention to have directed, or that the spirit of the constitution would justify such a course, previous to the period designated by the 13th section of the 3d article for the classification to be made. Yet the House of Representatives concur that although, senators are chosen for three years, chance entirely, is to direct the period of their service. It is apparent, from th 13th section of the 3d article, that the framers of the constitution were not disposed to leave any thing, to it, they left nothing more than that the senators chosen under that section, should draw lots for the first, section and third class.– But they did not leave it to chance, or to the whim or caprice of man to say how long the first, section and third senatorial terms, under the constitution, should endure ; or that one construction might to-day be placed on the words chosen or serve and to-morrow to permit different distinctions to prevail. But the House of Representatives in the further support of their position have referred to the 2d section of the 3d article which declares “that the members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the therm of one year” hence they conceive, that when the convention intended to fix any definite period, they so expressed it accordingly. And because the word term is, merely mentioned in the 8th Section of the Schedule, without assigning to it any period of time, it may mean one, two, or three years as chance may direct. It will be recollected, however, that a period of time was, and is assigned by the 12th section of the 3d article in relation to the word term, as applied to senators, and in using the word term merely, in the 8th section of the schedule of the constitution; the framers of that instrument evidently, had allusion to the 12th section of the 3d article; when a definite period is as singed to it; and did not intend, that the term should be fixed by chance. That part of the 9th section of the 3d article; which provides “that the House of Representatives, shall not consist of less than forth-four, nor more than sixty members, until the whole number of white inhabitants shall be one hundred thousand —— and the 10th section of the same article, cannot apply, at present, to the subject of enquiry, because they are permanent provisions, and were intended to have affect, and to commence their operation, only, after the temporary provisions of the constitution should expire, by the limitations affixed to

them in the schedule.— If such was not the intention of the framers of the constitution, why did they in the 7th section of the schedule, among other things declare "that the members of the General Assembly to be elected according to the provisions of that section, should hold their office as during the time prescribed by the constitution and until their successors should be duly qualified. Where is the time prescribed by the constitution, and alluded to in this section to be found? In the 12th section of the third article! Where is the definition to the word term, used in the 8th section of the schedule, and applied to senators to be had? In the 12th section of the 3d article! Hence it is conceived that the permanent provisions of the constitution were only to go into operation, after the temporary provisions of the constitution should be, constitutionally, superceded by them.

Your committee would further remark, that it could not have been the intention of the convention, for the senatorial branch to be governed by the enumeration in 1819. Because it would prevent carrying into effect, every other enumeration to be afterwards taken. If the time of the senators now in office, was to expire in August 1821 and the state were to be laid off, under the permanent provisions of the constitution, into districts, it is believed, that the senators then elected, must serve for three years under the 12th section of the 3d article. In that event, the term of the senators elected in August 1821, would expire in August 1824, the term of those elected in August 1824, would ent in August 1827. The 9th section of the constitution directs, that an enumeration shall be ordered in 1823– 1826 and every six years, thereafter." The 10th section directs, that at the first session, after making every such enumeration, the state shall be laid of into districts, and each district shall be entitled to one senator, and no more. It would therefore result, that the enumeration ordered in 1823, could not be carried into effect, as the senators would be elected in August 1824, and the enumeration ordered to be taken in 1823, could not be acted on, until the fall session, of the same year. Should this construction be correct, the census of 1819-20 would govern until 1828. But should the course pursued, by the senate prevail, no difficulty can occur. The senators first elected would go out of office in 1822 ; a new senate would serve in the November session of that year. They would order an enumeration, as directed by the constitution, in 1823, act on it in the November session of 1824, and to out of office in August 1825. A new senator would come in, and serve in the November session, of that year; they would order an enumeration in 1826, act on it in 1827, and go out of office in August 1828. A senate would serve in that year, and be classed as directed, by the 13th section of the 3d article. It would be well to enquire, why the convention should have selected the session of 1825, to fix on the scite for the seat of Government, and 1828 for the classification, the reasons are obvious. The session of 1825, would be the commencement of the 3d senatorial term, 1828 would also be the commencement of the 4th senatorial term

The reasons above assigned, conclusively satisfy the committee, that they cannot constitutionally, apportion their own body, previous to the regular session of 1821 —— And they are at the same time, constrained to believe, that the apportionment of the House of Representatives should be made.

Mr. Elliott moved that said report receive the concurrence of the Senate and be entered upon the Journals.

And the question being taken thereupon, the ayes and nays being called for, it was decided in the affirmative.

Those who voted in the affirmative, are
Messrs, Casey, Conner, Chambers, Dennis, Elliott, Farmer, Gause, Gaines, Hanby, Hogg, Lucas, Rose, Terrell, Trotter and Ware.

Those who voted in the negative, are
Messrs. President, Davis, Devereux, Garth, and Ringgold.

Mr. Terrell from said committee, made the following additional report which was read and concurred in.

The bill apportioning the representative branch has fixed the retio at 1740 by which Representation in several of the old counties will be reduced, others will be increased, and several of the new counties will from actual numbers be entitled to separate representation. It is considered that the apportionment of the Representative branch at this time, is commanded by the 9th section of the 3d article, predicated on, and strongly supported by the first section of the declaration of rights, “that all freemen when they form a social compact are equal in rights.” to apportion therefore the Representative branch under the census of 1819 is deemed by the senate to be nothing more or less, than bringing into action under the several provisions of the social compact, rights inherent in the people and specially guaranteed by the constitution.

It is furthermore believed, that inasmuch as an enumeration has been made, upon which the equal rights of the people in relation to the representative branch at this time, seems clearly to be ascertained, that a refusal or neglect to apportion that branch mus inevitably produce the following result.

That every county in which Representation would be reduced, will have in the councils of the country an excess of power; counties in which the Representation would be increased will be denied them right in government, and new counties however entitled to separate, representation by absolute numbers will be placed without the pale of the constitution. Any measure calculated to produce results of the sort is believed to be an unwarrantable indulgence on the one hand and an absolute denial of justice on the other. It is viewed as giving to certain sections of the country an undue right in government, and denying to other citizens equally free, and equally protected by the constitution that principle of eternal equality so firmly guaranteed by the social compact.

The following message was received from his Excellency the acting Governor by Tho. A. Rogers, Esquire Secretary of State, to wit

To the Senate of the State of Alabama.
Having bestowed on the bill entitled “an act to apportion the Representatives among the several counties of this state according to the returns of the late census” that deliberate consideration which is dictated as well by the respect which I entertain for both branches of the General Assembly, as by the importance of the subject itself I feel myself constrained by a deep and solemn conviction of its unconstitutionality to return it to your honorable body in which it originated, together with my reasons for so doing.

By the 1st section of the 3d article of the constitution it is declared “that the legislative power of this state shall be vested in two distinct branches, the one to be styled the Senate, the other the House of Representatives and both together, the General Assembly of the State of Alabama.”

In this collective body composed of these two distinct branches is vested the “legislative power” which is to be exercised in such manner as is prescribed in the constitution. But in order that this power shall be constitutionally exercised, it is necessary, that the body which exercises it be constituted in conformity with certain provisions contained in the 9th and 10th sections of the same article.

In those two sections is pointed out in the most plain, positive and explicit terms the duty of the General Assembly in providing at stated periods for the continuance of the body. The principles upon which the respective branches shall be numbered and proportioned ; and the rule by which that number and proportion shall be divided, among the electors of the state; and it is conceived that whenever any of these principles and rules are violated either by positive enactment, or by the omission of such provisions as necessarily creates a violation , it operates to vitiate the whole body. In the General Assembly “is vested” the legislative power and as neither branch can perform any duty or exercise any authority incident to that power without the concurrence of the other, so whenever either branch is constituted differently from the principles laid down for its creation it follows that all its acts are void.

The periods at which this body is to be reorganized are on the returns of each enumeration, whenever that is done, an apportionment becomes imperative and the duty to apportion both is as imperative as is the duty of apportioning either. The number of one branch is to be first fixed when that of the other necessarily follows, and so intimately connected are they in every thing relative to their organization and power of acting that to alter the number or distribution of one branch without at the sometime apportioning and dividing the other will defeat and destroy the constitutionality of both. It is true the duty of apportion and the rule by which the apportionment is to be made are defined in two separate sections, but however have for their object the formation of one body and I cannot conceive that this body can be created but by the same act and at the same time and that it is equally as unconstitutional to perform but half the duty as it is to neglect it altogether.

By the 8th section of the schedule a General Assembly was created and apportioned which should continue “until the first enumeration” should be taken, when that act should be done a new apportionment became necessary ; the principle of that apportionment are to be found only in

the 9th and 10th sections of the 3d article. And if there be a contradiction between the 8th section of the schedule and those sections, I conceive, the 8th section of the schedule must yield; the duty to apportion under the 9th and 10th sections being imperative and those sections containing provisions of much the highest importance and such as cannot be acted on separately.

The only difficulty which has arisen to prevent the apportionment of both branches at this time is the provision of the 8th section of the schedule which declares that the Senators chosen under the provisions of that section "shall serve for one term," the period indicated by this term I cannot understand to men any other than the time intervening between the election of the Senators and the return of the first census. The duty to apportion then commences under the 9th and 10th sections of the third article and applies imperatively in my view from the reasons above stated, to both branches of the General Assembly.

The bill under consideration contains a provision for the apportionment of the Representatives only and does not apportion the Senators. It thereby violates the provision in relation to the relative proportion of the two branches, it also violates the provision in relation to the constitution of the Senate which requires the State to be divided into senatorial districts, and thereby prevents an equality of representation. It operates to continue by its omission to apportion the Senate in conformity with the 10th section of the 3d article, a Senate created by the 8th section of the schedule on principles different from the permanent provisions of the constitution & which was limited in its duration of service to the return of the first enumeration which has been taken, and under which the bill itself professes to be framed.

Independent of the reasons which I have offered on the ground that this bill is unconstitutional, I have another which however would not be a sufficient inducement for me to return it to you. It makes the whole number of Representatives fifty five ; a number greatly beyond the minimum required by the constitution and contrary as I believe to the policy which should govern in fixing the number. It creates an expense to, and imposes a burthen upon the people which is not required for the purposes of legislation in the present state of our population and which at all times should be avoided.

In the discharge of this painful duty of stating the reasons which compel me to refuse my assent to a bill which has undergone much deliberation and which has received the assent of both branches of the General Assembly — I console myself with the reflection, that should they be deemed insufficient they can be overruled in a constitutional manner of that body which is the immediate representative of the people, and on a subject too, which I conceive it is peculiarly the province of the people to decide.

June 18, 1281 THOMAS BIBB.

Which was read and ordered to be spread on the journals.

The communication aforesaid from his Excellency the acting Governor assigning his objections to the bill entitled an act to apportion the Representatives among the several counties according to the returns of the late census, was again read.

The Senate then proceeded to reconsider said bill

Whereupon the question was put, shall the Senate agree to pass this bill, agreeably to the manner prescribed by the constitution, it was determined by yeas and nays and passed in the affirmative – yeas 19 – nays 1.

Those who voted in the affirmative are Messrs. President, Casey, Conner, Chambers, Dennis, Devereux, Elliott, Farmer, Garth, Gause, Gaines, Hanby, Hogg, Lucas, Ringgold, Rose, Terrel, Trotter and Ware.

Mr. Nicholas Davis voted in the negative.

Ordered, that the secretary acquaint the House of Representatives thereof.

Mr. Chambers introduced a resolution establishing certain additional election precincts in the county of Henry. Which was read the first time.

Mr. Chambers moved that the rule which requires all bills and joint resolutions to be read on three several days be dispensed with, and that said resolution be read the second time forthwith. Said resolution was then read the second time.

On motion of Mr. Chambers the rule which requires all bills and joint resolutions to be read on three several days was again dispensed with. Said resolution was then read the third time and passed. Ordered, That the Secretary acquaint the House of Representatives thereof.

Mr. Gause from the committee on enrolled bills, reported, that the committee had examined the following bills, &c. and found the same duly enrolled, to wit:

An act concerning persons residing on the University lands, and who have not rented the same, and for other purposes.

Resolution concerning the printing the journals and laws of the present General Assembly.

An act to amend an act to provide for assessing and collecting of taxes, and for taking the census of this state, passed at the second session, of the General Assembly, the 22d day of December, 1820, and for other purposes, and an act supplementary to an act making appropriations for the year 1821, and for other purposes, which were signed by the president.

A message from the House of Representatives by Mr. Weedon.

Mr. President– The House of Representatives have passed a resolution establishing election precincts in the county of Henry, which originated in your honorable body.

Message from the House of Representatives by Mr. Morton

Mr. President–The House of Representatives have adopted the following resolution.

Resolved by the House of Representatives, That a committee be appointed on the part of the House to act with such committee as may be appointed on the part of the senate to inform his excellency the acting Governor that the House of Representatives have finished all the business before them, and are ready to adjourn if he has no further communications to make.

They have appointed Messrs. Weedon and Morton on their part

On motion of Mr. Chambers the senate concurred in said resolution.

Whereupon Messrs. Chambers, Trotter and Conner were appointed on the part of the senate.

Mr. Gause, from the committee on enrolled bills, reported that the committee had examined a Resolution establishing certain election precincts in the county of Henry and found the same duly enrolled; which was accordingly signed by the President.

A message from the House of Representatives by Mr. Weedon :

Mr. President– I am instructed by the House of Representatives to inform your honorable body that they have finished all the business before them and will be ready to adjourn sine die at the hour of five o'clock. On motion the senate concurred therein. Ordered, that the secretary acquaint the House of Representatives thereof.

A message from the acting Governor by Thomas A. Rogers, Esq. secretary of state:

Mr. President– I am instructed to inform your honorable body that his Excellency the acting Governor did this day approve and sign a resolution establishing certain election precincts in the county of Henry.

On motion of Mr. Garth , ordered that the Journals be completed under the direction of the President.

Mr. Chambers from the committee appointed to wait upon His Excellency the acting Governor and inform him that the General Assembly were about to adjourn unless he had further communication to make reported that the committee had done so and received for answer that he had no further communication to make.

On motion of Mr. Gause, the following resolution was unanimously adopted : Resolved, by the senate, that the thanks of this House are due to the Honorable Gabriel Moore, for the able, just and attentive manner in which he has discharged the duties of the chair during the present session.

Whereupon Mr. President arose and addressed the senate in the following manner:

Gentlemen, I feel the liveliest sensibility in receiving the testimonial of your regard; nothing can be more grateful to my heart than the belief that the manner in which I have been enabled to discharge the duties of the chair has given general satisfaction.

It is due to this honorable body, that I should state that for the facility, and despatch with which our deliberations have been conducted, much is owing indeed, to the uniform, friendly, aid and support given the chair by this honorable body.

Gentlemen, For the polite terms in which you have thought proper to express your approbation of my conduct, you will please accept my acknowledgements– and for each individual member my sincere wishes for your future prosperity and happiness.

On motion of Mr. Casey, the senate adjourned sine die.

GABRIEL MOORE,
President of the Senate.

Attest, M. WILLIAMS,
Secretary of the Senate.